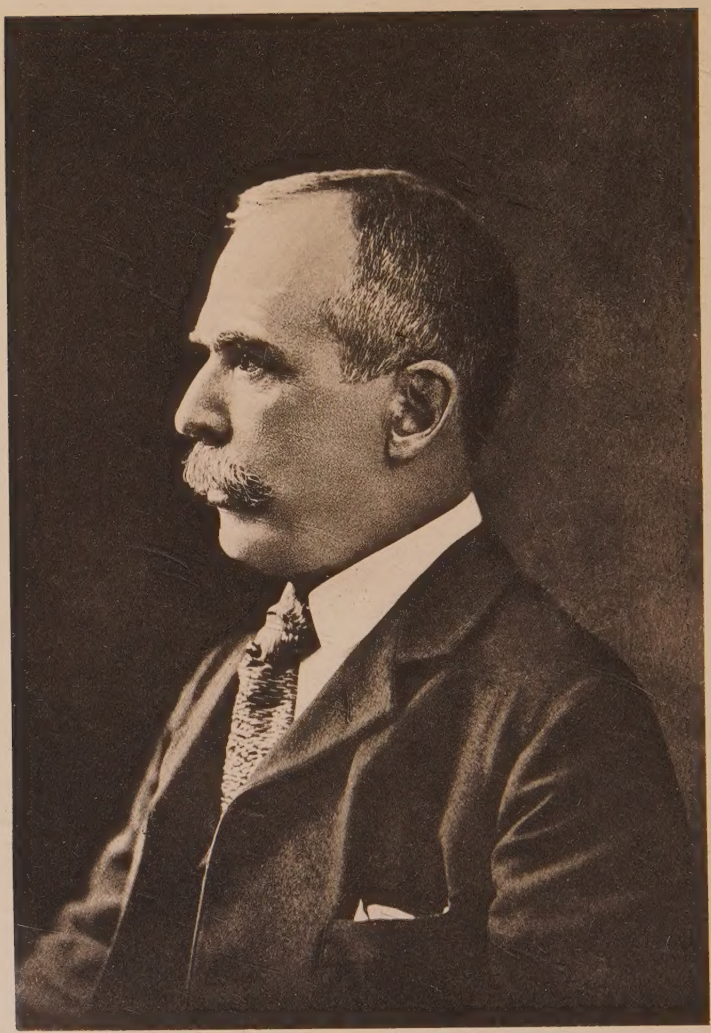
JOHN W. STERLING

A SKETCH



1844-1918

Brief by Alumni Assn DAB

John William Sterling

Class of 1864 Yale College

A BIOGRAPHICAL SKETCH

By

JOHN A. GARVER

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To the Loyal Sons of Yale

LLOYD

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Foreword

No one shunned publicity more consistently than did John W. Sterling. Rarely did his name appear in the public prints.

The Yale student of the future will have about him striking evidences of Mr. Sterling's munificence. This unique benefaction, the largest ever given to an existing seat of learning, has naturally excited the curiosity of the many friends of Yale to know something more about the man who, as a practicing lawyer in the City of New York for half a century of continuous activity, amassed a great fortune, with the single thought of doing it for his Alma Mater.

To satisfy to some extent the interest in Mr. Sterling's life and activities, the following sketch has been prepared by one who was for many years closely associated with him.

The early extracts from his journal will be found especially interesting, in showing how far he traveled between the date of his twenty-first birthday, when he recorded, with pleasurable satisfaction, the receipt of ten dollars from his mother, and the day when he laid down his life and turned over his great fortune to his beloved "College," which had meantime grown into a great university.

the South American and China trade, and, at the age of twenty-seven, was captain of the *Splendid*, one of the largest ships afloat at that time.

His alertness and commanding executive ability carried Captain Sterling along so rapidly that, after eight voyages to China and many more to European and South American ports, he was able to retire at the early age of thirty-nine, doubtless influenced to do so by his young wife, who felt that his life was always imperiled. That he had business ability is evident in the fact that when he died, in 1866, at the age of seventy, he left his family in comfortable circumstances.

It was a fitting incident that a man who was so conspicuous a figure in the great days of sailing vessels should have witnessed the successful trial of Robert Fulton's *Clermont* on the Hudson River, in 1807, and should have been present in Liverpool, in 1830, when Stephenson started his first through train from Liverpool to Manchester.

From his father, Mr. Sterling inherited energy, boldness, leadership and surpassing executive and business ability; but it was undoubtedly to his mother that an anomalous trait of his character must be attributed, namely, his shrinking from all forms of transportation by water. Even the crossing of the North and East Rivers on the ferry boat was distasteful to him; while

his deep-rooted antipathy to the ocean prevented him from ever accepting any of the urgent invitations to visit intimate personal friends in England; and he never went abroad.

Mr. Sterling's maternal grandfather was Hon. David Plant, a State Senator and Lieutenant-Governor of Connecticut, and, later, Speaker of the House of Representatives.

Enters Yale

ENTERING Yale in 1860, at the age of sixteen, after having been valedictorian of his class at the Stratford Academy, Mr. Sterling took his four years at Yale and graduated with the class of 1864, with an oration appointment. He was the recipient of a declamation prize in his sophomore year and was a Townsend speaker in his senior year. His college societies were Gamma Nu, Alpha Delta Phi, Skull and Bones, and Phi Beta Kappa; and those being the glorious days of the Wooden Spoon, he was one of the Coch-laureati of his class. He was also a member of Brothers in Unity, the rival of Linonia, the two great debating societies of that period, potent forces in the life of the College, the decay of which is much to be regretted.

During a portion of his college course, he occupied a room in South Middle, as did his partner, John A. Garver, subsequently; and both cherished the lengthening memories associated with that old rookery, which had also given shelter to the valiant Nathan Hale, and which, rehabilitated and rechristened "Connecticut Hall," is now the sole surviving structure of the old "Brick Row," which, in 1864, contained the only college dormitories in existence.

John W. Sterling
at time of entering college, 1860

A Postgraduate

WHILE an undergraduate, Mr. Sterling formed a friendship with Professor Noah Porter (subsequently President of Yale from 1871 to 1886), as the result of which he took a year of postgraduate work with Professor Porter in history and literature, an act which, at that time, was quite unusual. In doing this, he was influenced in part by his studious tastes, but largely by his affection for the College, which became the dominant influence in all his subsequent activities. He received the degree of A.M. from Yale in 1869, and the degree of LL.D. in 1893.

It was during this period that Mr. Sterling began to keep a desultory journal, some extracts from which will show how diligent he was in the pursuit of learning and how seriously he took himself and life in general.

> November 9, 1864. I am at present instructing Mr. Selden, of Rochester College, in Greek and Mathematics, with the view of fitting him for the Sophomore Class. . . . I have read with him two books of the Odyssey (3d and 4th); and we are now studying Herodotus, 8th Book. I commenced hearing him in Geometry at the 2d Book of Euclid; and he has thus far progressed nearly through the 6th. . . .

Thus far this term I have read two volumes of Hallam's *Constitutional History of England*, one volume of Macaulay's *History of England*, nearly all of Lord Chesterfield's *Letters to his Son*, "Seven Stones" and a few extracts from various authors. Nearly two weeks of my time were spent very laboriously in a work which Professor McWhorter can testify to. I have also read some logic, principally that part which relates to Fallacies.

I make it a point to attend the Gymnasium regularly between 4 and 5 P.M.

November 14, 1864. Today I have read 60 pages of Hallam (3d. vol.), have heard Selden recite in Algebra and Trignometry. Yesterday I read 60 pages in Hallam. Clarke (Professor) stopped in here this morning and left me two books, one entitled "Thoughts on Personal Religion" by Goulbuon, the other, "Come to Jesus."

January 14, 1865. . . . Professor McWhorter spent the afternoon with me. After conversing about half an hour, he took up Craik's *English Literature* and finished the two volumes by supper time. He is so familiar with the subject that reading in his hasty and cursory way gives him a knowledge of the author and serves also to quicken his memory.

I have made arrangements to take singing lessons in company with Doug. Miller, of Detroit, who is studying theology.

February 4, 1865. . . . Professor McWhorter still continues to make his friendly visits at 12.30 P.M. I

John W. Sterling
at time of graduation, 1864

generally, at one o'clock, leave him in possession of my easy chair enjoying his pipe and find when I return from dinner the key to the door concealed beneath the mat. Sometimes he returns during the afternoon, but when he does, he interests himself in some of the numerous books that meet one on every hand.

. . . I have been attending Professor Northrop's lectures on Oratory. I am taking a lesson from Bailey in reading every week. . . . Attended a reading by Murdock.

Professor Clarke has been of great assistance to me in my spiritual struggle. He has lent me books and given me appropriate advice. I have derived great instruction and comfort from Goulbuon's *Personal Religion*. After breakfast, it is my custom to read about twenty pages in some good book. At present I am reading Jeremy Taylor's *Holy Living and Dying*. It interests me exceedingly.

February 25, 1865. Another week is just about to end. I went home on Monday evening and passed an examination at the house of Mr. Charpiot, before Messrs. Sedgwick, Charpiot and Samuel Curtiss in company with David Coe, for admission into the Church. I for a long time have been trying to bring myself to this point.

He apparently passed the examination satisfactorily, as, on the first of March, he joined the Congregational Church in Stratford. Commenting on this step, two months later, he wrote:

I had made up my mind when I went to New Haven last September that, now expecting to have a more favorable time for the complete survey of the religious field, I would not leave my course of study until I had deliberately made up my mind what code of morals and system of faith should guide me during the future.

February 25, 1865. I have been reading pretty steadily during this past week. I have finished Craik's 2nd volume of *English Literature*, Liddell's *History of Rome*, one book of Locke's *Human Understanding* and several minor pieces of literature.

. . . . . .

Professor McWhorter comes in daily at 12.30 P.M. and generally remains until 3 P.M. He reads from one to three under such circumstances, so I am only disturbed for one-half hour, which is quite agreeable to me.

May 10, 1865. This probably is my last whole day of vacation. Tomorrow at 2.15 P.M. I shall endeavor to start for New Haven. The term began just one week ago. I have been detained by my visit to New York, rather Brooklyn, at Thomas' (from whom I purchased my cloth for clothes), a path which I have been making along our Bog meadow, fences between our barn and Isaac Brook's, the planting of elm trees upon its border, the planting of a hedge at Miss Bowdoin's, one along our garden and fitting up our house with locks, bolts, etc.

The vacation has been most pleasant, perhaps the pleasantest I ever spent. I have been employed most of the time in out-of-door work, superintending Augustus, our new man. I have done somewhat more than exercising a supervision over him. A good deal of work actively I have been engaged in, such as planting and digging up trees. By the way, our two first elm trees came from our orchard and the remaining ones from Charles Wheeler's land, in Oronoque, for which we paid 50 cents apiece. Several days I have labored out in the hot sun until sunset, loading up the cart with gravel from the Ferry Bridge Hill or the road from the Conference Room which I have been grading, or perhaps trotting off alone nearly up to Old Farms for loam, while Augustus was turfing or otherwise industriously and profitably employed. My face is fairly black with tan. A good deal freckled.

. . . . . .

During the last term, I have accomplished an immense amount of work, have read 11,000 pages, a greater number than I read the first term.

May 11, 1865. Today has been somewhat showery; therefore, Augustus has not been obliged to help plant the corn lot on the corner. He and I have planted a hedge of Arbores vitae along our garden fence, at the foot of the potato patch near the cow yard. The hedge at present consists of 175 trees. We were interrupted by the showers frequently. We also planted five large evergreens near the large gate which opens into the main yard near the barn. I sent Augustus, after we had

accomplished all of this, to Miss Bowdoin to set out two trees to fill up the places made vacant by the death of two planted in their hedge some three years ago, which extends from the house to the Temple. Augustus yesterday planted a large hedge between her shop and the aforesaid building.

May 12, 1865. My 21st Birthday. Mother yesterday gave me Ten dollars as a birthday gift. I shall not attempt in the least to expatiate upon my feelings on this occasion.

My plan for the ensuing term is not as yet fully settled. Professor Porter I have in vain attempted to find.

June 2, 1865. Yesterday (Thursday) was observed by the Nation as a day for humiliation, etc., on account of the death of Lincoln. McLean and myself attended Dr. Bacon's church, where we heard a commemorative discourse on the life of Lincoln. The mercury stood at 82°—the church was crowded—everyone was picking off these worms which have stript bare all the fruit and elm trees.

Although I have not accomplished very much in the way of reading thus far, yet I trust that my time has not been misemployed. I am doing several things which I tell no one of, in order to remedy a deficiency of my nature. I have no doubt, in fact I know, that others have done the same thing as I shall describe, who had no such blemish in their intellecual nature and who afterward have been amply rewarded. Between 4 and 5 P.M. I go to gymnasium, after which I induge in a semi-bath.

At 5 P.M., precisely, I read over three or four times a passage from some eloquent speech of half a page in length, and see how nearly I can repeat it. I keep reading and repeating in my chair till I have it pretty well at my tongue's tip, when I rise and declaim it in the most natural manner possible. I continue this exercise until 6 P.M., when, at the summons of the college bell, I hasten to supper. I am thinking whether it would not be a good idea for me to take a page of an author, and having read it several times or once even (as long as I procured the meaning it would make no difference whether I read it once or many times) declaim in my own language what I conceive to be the essence of the extract. This would secure two objects: first, would teach me the inestimable habit of paying the closest attention to what I applied myself, and, second, would in time give me that command of language which is so essential for the beautiful enforcement of our ideas.

. . . . . .

Perhaps I have already mentioned that Annual Examination has been introduced into the Freshman and Junior classes.

June 20, 1865. Cordelia went with Mrs. Roberti's scholars to Wooden Spoon. Quite a superb one it must have been from all accounts. I heard a little music and part of a colloquy. It was a very warm night. I was very happily employed (Senior Society night).

June 21, 1865. Presentation Day. I went to bed this morning at 5 A.M. and slept until 10 A.M., just in time

to hear the Class Oration and Poem, which latter gave universal satisfaction.

August 4, 1865. The old stove which was formerly Grandma Judson's and which Chester carted over from Stratford for me last September, I have persuaded Aunt Amanda to allow McLean to retain for the coming year. He is then to convey it to her house or sell it for her as she decides. I have sold him all my furniture at a bargain, inasmuch as I did not feel like skinning him as if he were a Freshman.

Yesterday, Augustus drove over to New Haven with the horse in the lumber wagon and took over to Stratford a full load of my personal effects, consisting of two large boxes of books, one small trunk of boots and unmentionables, one box of pictures, my easy chair, a pair of mahogany shelves, and my large wooden spoon. I shall follow tomorrow in the Railcars with my trunk. On Thursday evening or rather on Friday morning after Commencement, Fuller of '59 (I believe of '59) made exceedingly flattering remarks about "Jack Sterling." I heard the cheers at the time but was not within calling distance.

Professor Porter has expressed himself very much pleased with my progress during the past year. Professor McWhorter told me yesterday that Professor Porter during the winter made the remark to him, that he thought if I should go on as I had commenced life that I would arrive at equal distinction with Daniel Lord; for I had something of the same kind of talents —soundness of judgment, accuracy, reliability, indomi-

table perseverance and integrity. Certainly that is a very high compliment and should serve as a very great encouragement to me in my progress through life. I have always thought that I was exceedingly lacking in perseverance, but everyone seems to think otherwise. Somehow or other I have gained a wonderful reputation in New Haven as an industrious worker. I have tried to realize the importance of time and therefore by counting almost every minute as it flew, have accomplished much more than I otherwise should have done. I have hardly made a formal call during the year.

. . . . . .

I have in vain attempted to take more elocution lessons from Professor Bailey during this last term. But he has either had a boil, or been absent from town or broken his engagement. I commenced last term and have reaped great benefit from eleven lessons. I have spent a little time in taking singing lessons from a Theologue by name DeForest. The reason why I am remaining in New Haven a week later than usual is that I may partially make up for lost time when I went to Utica in June and the few days I was delayed at home at the commencement of the term.

The summer thus far has been exceedingly warm. I have taken very little exercise this term, but have been in very good health. I am relying a good deal upon rowing in vacation to atone for past delinquencies.

Yale has again won in the University Race, beating Harvard—Yale in 17′ 42½″ on a course of three miles

in length, Harvard 18′ 9″. The first time is the fastest on record in the world.

Mat Borden (M. C. D. Borden, a classmate), I expect from New York to-night. He is attempting to get his Degree of B.A. and is going into an examination in Astronomy in the morning. He has stayed with me several times this term. During Commencement Week H. P. Boyden and Tom Boltwood made my room their headquarters.

. . . . . .

Van Name has been appointed Librarian in place of Professor Gilman resigned. Every one seems pleased with the change. The Library hereafter is to be heated and opened for an hour or two in the afternoon.

The Art Building is rising rapidly. Tutor Wheeler, who is now traveling or studying in Germany, has been appointed Professor of History. This appointment, it is understood, is purchased, as it were, by the $85,000 which he was instrumental in obtaining.

. . . . . .

William M. Evarts has been made an L.L.D. by the college. His son has just entered the Freshman Class. The father was made Chairman of the Alumni meeting and also of the Banquet held at Music Hall for the benefit of all graduates who had participated in the War. He was not visible very much of the time to the eyes of the barbarian world on the Commencement Eve.

. . . . . .

And now let me say in conclusion I am thankful to Providence that he has allowed me the privilege of

reaping so much benefit and pleasure from this year's labor. I thank God especially that I can look back to this year and think of it as the one in which I publicly gave my services in an enduring covenant. May He help me to keep it faithfully. I trust myself to Him for the future.

My life is hereafter to assume a different shape, but this grace can render me fit for anything. I pray especially that I may make an *honest* lawyer. I appreciate the temptations into which I am soon to be introduced. May God grant me that firm integrity, that honest purpose and conscientious regard to duty which are so essential to success and so pleasing to His sight.

I do here make a covenant with myself that I will rigorously abstain from using tobacco in any form from the time I shall commence studying in the Law School in New York until the end of the term in May 1866. The above covenant is not to be binding when I am in New Haven. One exception a week *may* be made to it also—but only *one*.

I should have stated that on the Monday before Commencement when the Sub-Freshmen were being examined for admission, Tutor Otis came over for me to examine them in Arithmetic. It seems that the number was so large that the regularly appointed Board of Examiners did not have sufficient time and therefore Otis was delegated to employ me. I excused myself on the ground that my time—its scarcity—would not permit me to leave my studies.

The Law School

BEFORE the close of his postgraduate year at New Haven, Mr. Sterling had definitely decided to study law. The Columbia Law School in New York was then presided over by Professor Theodore W. Dwight, with such signal success that it was often referred to as "The Dwight School." The Law School, at that time, was quite distinct from the College, having its quarters in an old building on the corner of Great Jones Street (Fourth Street) and Lafayette Place, while the College proper was situated two miles farther north, at Madison Avenue and 49th Street.

In June, 1865, Professor Dwight was in Clinton, Connecticut, and thither Mr. Sterling repaired for information and advice. His account of the visit is as follows:

> June 15, 1865. In the afternoon, Mr. Morse, Mac and myself drove a beast of a horse (Levy) to Clinton, where we were introduced to Professor Dwight, of Columbia Law School. He treated us very handsomely indeed and advised me to read Kent's *Commentaries* during the vacation. He was very affable and seemed to take quite an interest in my questions concerning Law Office, reading, etc. To see him was one of the main ob-

jects of my visit and what was decisive at last in arriving at my conclusion.

The regular course, at that time, for admission to the bar, was two years.

Mr. Sterling arrived in New York, for the purpose of entering the Law School, on October 2, 1865. How far he was then from being a multimillionaire, is obvious from the following entry in his journal:

> October 2, 1865. . . . Arrived in New York at 6:30 A.M., procured my breakfast, waited at the Astor House until 7 minutes of 8 A.M., when Pugsley came along, whom I had not seen for more than a year. We then traveled about the City until 4:30 P.M. and almost died in the exertions we made to procure rooms. At last, at No. 78 Macdougal Street, we procured room and board —$14 per week for room and board, $2 for lunch, $2 for coal. This makes $9 apiece. I had expected to give $10 per week; but Pug is somewhat limited. I think very likely we shall have to change.

Further entries in his journal during his Law School course reveal his serious application to the studies and activities of the school.

> October 3, 1865. This afternoon he (Pugsley) and I went to see Professor Dwight. I paid him the regular fee of $100. Tomorrow afternoon we report to him, at 4 P.M.
>
> October 5, 1865. . . . We both went around to the Law School at 4 P.M.

October 8 (Sunday), 1865. This morning Pug and I went to hear Dr. Chapin. He was more pleased with him than I was. He is eminently a sensational preacher. Some parts of his sermon were very fine—eloquent. He is a fine looking man. His church was crowded. . . .

October 15 (Sunday), 1865. This morning I heard Dr. Thompson at the Tabernacle. I occupied a seat in the gallery. I was very much pleased indeed with him. . . . In the afternoon we heard Dr. Robert Booth at the Mercer Street Church.

October 17, 1865. Our first lecture from Professor Siebor today. His "indisposition" alone prevented him from being eloquent.

I should explain a little more definitely about the School. I have connected myself with the morning class. At 11 A.M., we recite, for the present, in Blackstone. As soon as Professor Dwight has finished hearing us in this, he reads to us a lecture from his book, which we take down verbatim. This lasts until one o'clock. Once a week, we have a lecture from Professor Siebor —on Tuesdays, at 1:30 P.M. The first moot court will be November 3d.

October 22 (Sunday), 1865. I went to Brooklyn this morning. By invitation I called upon Thomas and went to church (Plymouth) with his sister and himself. I heard Dr. Storrs preach a most eloquent extemporaneous sermon. His language was most chaste and beautiful. The effort was characterized by no hesitancy or apparent thought. The new system of worship which they have introduced into the church under his author-

ity, I may almost say, for the plan was much opposed by the more weighty and substantial men of his Congregation, did not prove very acceptible to me. I do not like to see a Congregational minister dressed in a gown, standing up erectly and so formally; and in addition I most of all am opposed to this practice of everlasting rising and sitting down.

October 25, 1865. This evening I joined the Dwight Law Club, the admittance fee for which was 25 cents. It meets every Wednesday night. I had the honor of being appointed Secretary, but resigned. It is my firm intention to meet with the Club regularly and take a regular part and learn to speak, if a possible thing. I prize this opportunity as one of the most favored.

December 22, 1865. I cannot possibly get over that nervousness which has always attended my recitations. I tremble all over and it is difficult for me even to commence the sentence in reply when I have a perfectly clear idea of the answer. Day before yesterday, I recited a solid page of Parsons. I shall make persistent endeavors to get over this silly feeling.

On November 15th, I was appointed on a moot court case to be argued on the following Wednesday, the 22nd. I felt convinced that I was upon the wrong side —the defendant, and this discouraged me greatly. The order and position of the books in the library were new to me. I was filled with a presentiment of failure. But I had, long time ago, made up my mind that I would flunk rather than commit my piece to memory. I determined therefore to speak extemporaneously. Here a di-

gression: my observation and the experience of others has forced me to the conclusion that one of the main advantages of the school consists in the discipline to be obtained from these moot courts. I had, therefore, resolved that every week I would prepare myself upon the question at issue and speak if it were a possible thing. I, therefore, went to Hamlin, of '63, who has just commenced the practice of law here and told him my feelings and asked him if he were willing to hear me speak to him, for three months, every Wednesday afternoon, criticising severely my method of speaking, the argument presented and the general style of the effort. He seemed perfectly willing, for which I offered him $12, which seemed to him more than a fair consideration. I, therefore, prepared my argument, leaving spaces between the quoted authorities, where I placed catchwords upon which I could string extemporaneous expressions. I spoke my piece over to him once, and, although I was greatly embarrassed, still I succeeded tolerably well. He was confident I should do well. I was sure that I should signally fail. Inasmuch as I was fully imbued with the idea that it was essential to success that I should lose sight of myself—of all those thoughts of dissatisfaction and self-disgust which I knew would crowd in battalions upon my mind and thus fetter me in speaking, I determined that my only salvation depended upon my getting earnest. This was the main point I, therefore, designed and resolved to gain. I could affect, if I really could not feel, earnestness. And thus it turned out I spoke most enthusiastically,

enforcing my points with all the ardor imaginable, laying down principle after principle with as much force as my rebellious thoughts would allow. I hardly hesitated once for a word and produced an impression which brought forth quite an appreciative applause when I finished my peroration. I have been really surprised at the effect I produced. Such gratifying commendations should serve to encourage rather than flatter me, in future. I resolved to try again.

On the succeeding Wednesday, the 29th, it was stormy. The trustees were holding a meeting in the library, so we were obliged to hold our meeting in the Lecture Room. Inasmuch as I thought the question was poorly argued and as few were there and while the Junior defendant was making a second speech, no objection having been made thereto, I determined that as soon as he took his seat, I would rise and fail if necessary. I did so and made an entirely extemporaneous speech which seemed to be appreciated. How glad I was when I sat down that I had the assurance to rise and speak.

The next week I did not speak; but last Wednesday I rose again, when the voluntary speeches were in order, and made quite a lengthy speech, enforcing my ideas by authorities which I had on my paper. I had not spoken this to Hamlin, as he was not in when I went around to his room. I shall try again and continually.

Thanksgiving this year was deferred until the 7th of December, in order that the national and state fasts might be both upon the same day.

. . . . . .

I have heard Beecher, Chapin, Storrs, Thompson, Murray, Kellog, Booth and Shedd, each once, and Dr. Thompson quite frequently. . . . I have written to McLean to see about my going to Utica next summer, into Doolittle & Babcock's office.

January 1, 1866. In the first place, I have persuaded Father to let Mr. Calvin Curtiss paint his portrait. He was very much opposed to this at first. I offered to pay for the portrait, by giving the $50 he owes me, with interest from the date of Junior exhibition, and $45 I earned in New Haven, in teaching Selden. Finally, he decided to have his portrait painted and has refused to allow me to bear any of the expense. It was entirely my own idea—of course I feel very much gratified.

February 7, 1866. Two weeks ago I made another speech in the Law Club, the best one I think I have as yet made. I work about as hard as I can very well and hope to be rewarded by my pains.

His studies were interrupted, in February, 1866, by the death of his father. In settling the estate, he displayed the decision and executive ability which were so conspicuous in his later years.

As a result of his father's death he came into possession of about $17,000, a sufficient sum, at that time, to relieve him from any concern about his immediate livelihood.

He spent the summer and autumn of 1866 in the

law office of Doolittle & Babcock, in Utica, New York. While in Utica he records this interesting event:

> October 4, 1866. The President of the United States and Cabinet passed through Utica and stopped for a half hour on their passage. Mr. Doolittle made the welcoming speech reading it from the manuscript. Mr. Johnson replied in a very forcible and expressive speech. He is a very thick set man, large bull head, broad, firm and decided mouth, but rather a dead eye. The reply was one of the best he made on the way. The street was crowded to see Grant and Farragut, whom they continually cheered. Mr. Johnson was decidedly snubbed. It is wonderful how he has lowered himself in the eyes of the people. Secretary Seward looks very thin and worn. I also saw Secretary Welles and Major General Custer.

That his diligence was unabated in the Utica law office is evident from the following entry, made on October 14, 1866:

> I am very much gratified that I have been permitted to enjoy such advantages as I possessed at Utica, for I was entrusted with the ledger and opened a system of double entry bookkeeping, besides learning a great many little things connected with a law office which no book could ever teach. I have been very regular in my exercise. The indian club has been my constant resort night and morning.

He was back in New York for his second year at

the Law School. Here is an entry showing how rarely he allowed himself any theatrical diversion:

> January 20, 1867. I invited Hamlin to go to Black Crook, where he has been once before. The transformation scene baffles all description. The dancing did not have as much of a charm for me as most. The theater was crowded and has been for months. I am not surprised at its success.
>
> I have been to the theater but once this winter and do not expect to go again this term, unless to hear Booth (Edwin) in Richelieu.

That the *Black Crook* did not divert him from his studies in the Law School is evident from a further entry on this date:

> In reference to the Law School I may say that it is the general belief that I head the class—this is no vain speech. I cannot here go into particulars as to the manner in which I am convinced of it. I do not count much however on being valedictorian. I know how those things go oftentimes.

But he was the valedictorian of his class; and how he succeeded is recorded in a reminiscent entry in his journal under date of August 17, 1867:

> From January until the 16th of May, every moment seemed more precious than gold. My previous reputation as a scholar and worker was to be sustained with one object in view, if no other more laudable one, of

taking either the valedictory at the Law School or winning the First Prize in Municipal Law. Both could not be taken on account of the custom long prevailing, miserable tho' it is, that a person should be satisfied with one of these honors. For a long time, it was my determination to try for both, and the necessary labor was persevered in to the last. Precious lectures and constant reviews were absorbing my spare moments. A journey down town on matters of business was regarded as a great hardship—as being so much time irrevocably lost to study. Day and night were spent in close application. So that by the time the subjects for the Prizes were made known, all my lectures had been fully mastered to such an extent that a complete analysis could be fluently given of any subject of which Professor Dwight had treated. Others at this time had not commenced even the work of reviewing; and I was a marvel to all when my attainments gradually were disclosed. When at last I decided not to enter the encounter (it was not however until I had received the appointment of valedictorian), I set about cramming, but first of all persuading to an entry on the list, Johnnie Brooks, into whose ears during the recitation hours I constantly poured thousands of illustrations of the subject under examination, which by diligence I had collected through the two years course. His analysis of "Things in action" I corrected in many important particulars, and the treatment of the subject in its details was thoroughly altered, and, may I not say, improved, by my constant advice and criticism. One whole afternoon I spent in correcting for

the last time; and I may add he is very grateful for my services. His qualities of mind and heart I have always appreciated.

I was elected valedictorian some time in March I think, by a handsome vote. There were five candidates originally. The only argument used against me was that it was unfair that I should take both the valedictory and the first prize! Professor Dwight was much pleased with the result and also at my piece, when I read to him, on "Enthusiasm." The papers spoke in high terms of my production. Ex-Judge Woodruff said it was the finest valedictory he had ever heard. He told this to Mimis Seymour. Professor Dwight complimented me highly. . . .

In the preceding November, as I think I must have written before, I conceived the idea that my own progress would be promoted if I could find some tractable spirit, with which I might commune, as it were, in my legal studies. So a fair minded, docile person I found in Fred. Sturges, of Wilton, Connecticut, who was at that time engaged in the Post Office Department at night. At my convenience, he would come to my room and I would talk *into* him my lectures, thus improving him and benefitting myself. During the writer's vacation of two weeks, he was constantly at my side, and day and night, we were employed in this mutual exercise and discipline. He continued with me in this way until graduation. His was rather a desponding nature, like my own, and being of such a frank disposition and patient under whatever I might say to him, for I did

often "cuss" him for not learning faster, he was always ready to hear me moralize to myself as I suppose, he thought it was pleasanter hearing me vent my melancholy than receive my strictures on his stupidity, or listening to my disquisition on legal themes.

He Enters a New York City Law Office

FOLLOWING his graduation from Columbia Law School came his Yale class Triennial, which, at that time, seems to have taken place in the middle of July. He thus records the event in a subsequent entry in his journal:

> On the 17th of July, I went to New Haven to attend our Triennial.

At that time, he was urged to accept a tutorship at Yale, though in what department he does not state:

> George Merriam again pressed me to take the tutorship, as he was certain I might obtain it, if I would so much as hint at it. Tracy Peck, Mr. Dexter and Perry were very sorry also when I refused. It was quite a matter of surprise to me that I had ever been thought of, still more electioneered and sorely pressed for that position.

Long before his Triennial celebration, however, Mr. Sterling was on the lookout for an opening in a law office; and almost immediately he arranged to make his debut on the first of August. He thus records his efforts and the result:

> Two days after graduation, as we—the class—were sitting on the benches in the Supreme Court, I said to

Hopkins that I was anxious to get into a good law office, and he, in a little while, suggested David Dudley Field's, where he had been during the winter. He afterwards spoke to him, and Mr. Field consented. The next day, I was introduced by him to Mr. Field, who told me that he could not make any arrangements with me as his son had charge of all those matters, and he was now in Europe, but would return in August, but that I might come into the office until that time and then make such arrangements with him as I could. Finally, I agreed to come about the 1st of August. So, on the first Monday in August, I arrived in New York; and, on Tuesday, I regularly entered upon the duties of an unpaid clerk, at a time when hardly any business was going on, which consisted in reading most of the time on my own hook. I shall make a strike, as soon as the son comes, for wages—tho' I think it extremely doubtful whether I shall receive any; for the expenses of the office are large, there being already three paid clerks and an office boy. I shall try.

He thus describes a republican ratification meeting that he attended on October 20, 1867:

On Wednesday last I went to the Cooper Institute to the Republican Ratification meeting and heard William M. Evarts and James Nye, a Senator from Nevada. Saw Horace Greeley for the first time and heard him read the Resolutions. He has a splendid head —quite bald and fringed at the sides with silvery white locks. Of all readers, he is the most miserable, drawling out the words as a schoolboy. It is said he is an equally

poor speaker. Senator Morgan presided with great dignity. When Cochran commenced speaking I left; he was on the spread-eagle style—velvet coat, open vest, fancy shirt, long gold chain, patent leather boots and sharper's pants, gesturing to the stars and straddling or strutting rather all over the stage. Jim Nye kept the house in continued laughter.

The first reference in the journal to his future partner, Mr. Thomas G. Shearman, occurs in an entry made on December 21, 1867:

Last night, I went to see Shearman in Brooklyn, on Clairmont Avenue, No. 170. He had previously spoken to me in reference to assisting him on his new work on "Negligence." He wishes me to wade through the reports and find what I can, bearing on the subject. He has set me to work on five of Gray's Reports. I shall of course perform the work at the Law Library. I don't know how much remuneration I shall receive, but something. I am about to prepare articles for some Legal Magazine, touching railroads; for this I am to receive $3 a number.

Shearman is about to undertake the general supervision of the office, and he wishes to employ me in jogging his memory, as he is an exceedingly careless and negligent man. I shall know tomorrow afternoon whether this arrangement between Mr. F. and himself is consummated, and, if so, then I shall be paid a little something, to be hereafter delivered for my services in the above capacity.

He interspersed his law office activities with a little private tutoring, as thus recorded:

> December 21, 1867. On the 29th of October I undertook the task of fitting Mr. George Welles, 31 West 39th Street, for the sophomore class of Yale college; but the engagement ended in about a month's time owing to the return of his old malady, dyspepsia.
>
> I had previously instructed him in Livy, Horace, Homer and Latin and Greek grammar and had worked him very hard. He was very rusty indeed and like most all New York boys thought he was a very wise scholar. He had evidently never received such discipline as I extorted. My labor was incessant during the hour, as was evidenced by his exhaustion when it closed. I received in payment $18.75, or at the rate of $1 per hour. I am very glad that the opportunity had arisen for instructing, as I have received a great benefit from the short course.

Mr. Sterling had an opportunity to hear Dickens read, during the great rush for tickets, when that distinguished novelist appeared in New York. He thus records his impressions:

> December 21, 1867. Mr. Sweetser presented me with a ticket to Dickens reading—splendid seat, K-26. I heard him read Dombey & Son and the Pickwick trial. He is an exceedingly foppish man, exquisitely dressed, with a triple gold chain, which takes a great deal of his attention. Diamonds, swallow tail, immense bosom, etc. etc. He has quite a husky voice and cannot be distinctly

heard at the back part of Steinway Hall. His reading is very fine. He is a great mimic, screws his face and turns his body into all conceivable shapes. Westcott of '64 says that Professor Bailey can far surpass him on the Pickwick reading, and I am inclined to believe it. The rush for seats continues unabated and the speculators are making great fortunes. Men have stood from 12 A.M. to 12 Noon in line about the ticket office—this line extended from around by Irving Hall and 15th Street to Broadway. Our office boy reached there about 6 A.M. and there were then 350 ahead of him, and thus discouraged he left. The office was open at 9 A.M. Mr. Field got the next day tickets at $5 apiece. The regular price was $2.

A glimpse of his domestic life in the spring of 1868, is afforded by the following entry, April 11, 1868:

During the first week of January, Mother and my sisters arrived at 206 East 15th Street, where I have boarded for a year and a half, for the purpose of spending the winter with me. At first, I rarely saw them at breakfast, as I partook of mine at 7 A.M. precisely and left the house before they had returned from the table. At night, I would regularly stop in their room, the second story, and spend at least half an hour. Before many weeks wore away I found it was 8 o'clock P.M. before I arrived in my room. And in the morning I customarily found time and inclination to wish them a good morning and a pleasant day. It is many years since

I have lived so intimately and for so long a time with them, and it was very much to my improvement. I certainly am favored above most in having such kind, sympathetic and loving sisters and mother. The same anxious solicitude and care characterizes them now as in my younger days. They seem to be very much pleased with my mode of life, and though, I think, they have long reposed confidence in me, yet they are now gratified not only by hearing of, but really observing for themselves, my steadiness, and the quiet, industrious, disciplinary mode of my living. They sometimes say that I apparently restrict them too much in the use of money; but I tell them I feel the safer when they spend the least for them. Really I want to lay up for them as much as I can; and thus far I have succeeded admirably well, as I believe; but their expenses are of course very heavy.

An entry at this time will show how continuously and actively he was engaged during the day; but apparently this did not sufficiently satisfy him as he writes:

During my evenings I have been engaged in revising Tillinghast and Shearman's Practice, by inserting on interleaved pages the notes I could gather, applicable to the different subjects, from the 6th Volume of Abbott's Digest. It has been very improving work.

I have been over to his (Shearman's) house several evenings, helping him in looking up points.

The activities then engaging the attention of the

firm became historical; but they are concisely referred to in an entry made at about this time, in April, 1868:

> The Rock Island litigation in the early part of the year engaged the sole attention of the office and was a gigantic labor; but when the Erie war broke out, even the former suit dwindled into small proportions and was almost lost sight of in the terrible litigation in the midst of which we are now involved. Night and day, we have labored without extra compensation or reward or even thanks. Sundays, Mr. Field wished us to work; but I remonstrated, as it was contrary to my principles to work on the Lord's day. One Sunday, however, he invited me to dinner, and afterward I found myself copying a half sheet of paper. The others have worked on Sunday to a much larger extent. On two such days, Mr. Shearman and a non-conscientious man I do not know was employed all day, and today, even he has an appointment at Mr. D. D.'s house. He is quite a prominent Christian man in Mr. Beecher's church. The Erie suits have been of such a character as to require the most vigorous execution and dispatch. Injunction upon injunction have been obtained. Numerous suits, each seeking the same end, have been brought; and even it was found necessary for certain purposes to bring an action in Steuben County in order to bring all suits into one. Injunctions have been violated, contempt proceedings commenced, excessive bail demanded, receivers appointed without notice of the motion, writs of habeas corpus sued out, references appointed for the examination of unwilling witnesses, impeachment of Judge Bar-

nard threatened, stay of proceedings during appeal first refused and then granted, orders to show cause made without stint, and, in fact, all the more violent of legal remedies adopted that justice might be either frustrated or obtained. The great difficulty to be overcome on our part, was the fact that Judge Barnard, whom we had made a defendant in the different actions, was in perfect harmony with the other side. All of us clerks have thought it very hard that while so much extra work was required, no cold tributes of praise or commendation have ever passed the lips of our employers. And then, in addition, we are all treated as dogs or the most servile menials. Thus far, I have escaped the special ire and hasty, inconsiderate and violent denunciations of both the Mr. Fields; but Morgan especially has been visited with terrible volleys of bitter and withering satire and reproof. The mildest thing which D.D. has told him lately was the remark: "Why Morgan you are more stupid today than usual." They seem never satisfied with anything and are most unreasonable in their demands. I have been trying to get into another office, not because I am dissatisfied with my position for the present, as I am not, for I have certainly learned a great deal lately; but, when the summer comes and the lull, after the storm has returned, then the unpleasant copying will begin and the farm accounts must be overhauled and such labor, so unimproving and vexatious, undergone. Besides, I would like to see more court business, as by this means I would have a great opportunity to mix up with lawyers and secure eventually a partnership.

No part of Mr. Sterling's vast fortune was made in buying or selling stocks or bonds on a margin. The sole venture of that kind that he indulged in he thus described:

> In the middle of February (1868), I did what I had always determined not to do, viz: to buy or sell on margin. It was a time when we were getting out injunctions, and on our success the money market price of Erie very much depended. The variations of stock were very great. So Murray, Mr. Booth's broker, whom I know very well, and I, sold short a hundred shares of Erie and the result of it was a profit to each of us of $69.10. But I hope never to engage in such an enterprise again, as I regard it as by far too hazardous.

During the month of April, 1868, he changed his boarding place to No. 60 East 9th Street, and records the fact that his moving consisted of transporting three trunks, a box of books, some bookshelves, a dumb-bell and Indian clubs.

That he was not satisfied with his position in the office of Mr. Field and was looking around for another opening is stated by him on April 25, when in answer to an advertisement for a managing clerk, he applied for the position, although he said he never expected to hear from it. A few days after, however, he received a letter from Mr. James K. Hill, a well-known and highly esteemed lawyer, requesting him to

call at his office, No. 44 Wall Street. This call Mr. Sterling made, and after an interview he was invited to call again. Incidentally, he learned from Mr. Hill's managing clerk that Mr. Hill was himself a great worker and expected everyone else to be; it being his custom to reach his office before 9 A.M. and not to leave it before 6 P.M.

He informed Mr. Dudley Field (the son and partner of David Dudley Field) of his proposed change. Mr. Field encouraged him to make the change, but afterward reported that his father, with whom he had conferred, stated that Mr. Sterling was too valuable a man for them to lose.

Negotiations with Mr. Hill followed, in which Mr. Sterling held out for twenty dollars a week.

Mr. Shearman became a partner in the Field firm on the first of May, 1868, the firm name adopted, at that time, being Field & Shearman. He took a hand in the negotiations and made a counter offer to Mr. Sterling of twenty dollars per week, with the prospect of advancing him to the position of managing clerk.

After further parleyings, during which Mr. Dudley Field called upon Mr. Hill, Mr. Sterling finally decided to accept Mr. Hill's offer; and on May 6, 1868, he writes:

> I am regularly installed in my new position as managing clerk in Hill's office, 44 Wall Street.

The location was on the northwest corner of Wall and William Streets, and the small, quaint building belonged to the Bank of America, which had its office there. Years afterward, in 1895, the Bank having erected a new office building on the site, the firm of Shearman & Sterling moved into the new building and remained there, on the fifth floor, until April, 1909.

At the outset, Mr. Sterling apparently did not receive his expected twenty dollars per week but on June 13, he writes:

> Spoke to Hill about raising my wages to $20 per week, which he willingly did.

During the summer of 1868, Mr. Sterling took stock of his character and thus summarized it, showing at the outset the effect doubtless of the warm weather, but revealing something of the cooling and invigorating days that were to come:

> I find I am wonderfully bashful and modest. I conquer the haunting feeling gradually, but as long as I cannot destroy the roots which are constitutional and imbedded in my nature itself, I can but expect to find new shoots starting on every side and even with the greatest care they still grow and send forth branches beneath which their clinging foliage I am often prostrated in shame. When distrust gives place to assurance and years of industry have borne such fruits as self-reliance and conscious strength, which must at last mature, when

> I can feel that I have gained and merited the respect of the community, in which I dwell, when success in my profession shall have cast its flowers at my feet, and that of others shall no longer appear invested with such mysterious glory as to steal away my thoughts and power of expression, when in their presence and beneath their eye, it is then that I may hope to possess that confidence which nature has implanted in the breasts of most; and not until then, shall I find or attain to that common level or plane on which most men toil, labor, lose and win. It is by force of will and pride that I am sustained in my daily walks of business or pleasure.

He undoubtedly received some encouragement from Mr. Shearman, whom he encountered from time to time, as he writes in October, looking back over the summer:

> Shearman has told me many times during the summer: "Oh! Sterling that you were back again" and has often told others: "Well, we shan't let Sterling stay at Mr. Hill's very long."

The overtures for the return to the office of Field & Shearman commenced in October, 1868, and are thus recorded in an entry made on October 11:

> On Thursday Dudley called me to him from across the Chambers and asked me to visit him next week at his new country seat at Hasting where I had promised to go at some convenient time for such purpose. The next day, Friday, he sent down word at the office, to

come up quietly to his office. I did so and found Dudley and T.G.S. in secret session wherein I was admitted. Dudley then proposed that I should return as managing clerk and finally said with an expression that betrayed the feeling, that no brighter ray could ever illumine my life and I don't know but he was right, "with the understanding that at no distant time I should have an interest in their business." He wished me to decide before two o'clock on Saturday, the next day, as Deyo wanted the position of managing clerk if I declined and as he had an opportunity of going elsewhere and wished to give his answer on Saturday, it was necessary to decide immediately.

After having a general talk on business, copying, drawing pleadings, opportunity of trying cases, etc., D.F. left for Hasting and Shearman and I were left alone. S. and I then talked pretty freely and S. told me that as he understood both Dudley and myself, he could interpret Dudley's remarks to mean that by next May, as he thought, I should have the interest in the business spoken of. This certainly was very flattering indeed and something which most men would have assented to immediately. To be a partner of David Dudley Field, Dudley Field and Thomas G. Shearman is an offer never made before and one I think which will be sparingly extended to others. So far as honor and reputation are concerned, I suppose, without doubt, that I should be a great deal better off than if I went anywhere else. But then on the other hand I should not be expected to have any business of my own and as the cases which they take hold of are only those involving

millions, I should never have an opportunity of developing myself in speaking or arguing. And I am not willing so early in life to settle down without having had a trial of my own powers in almost every direction. I do not as yet know what I am capable of doing but if there is any one thing which I would like to accomplish it is to be able to talk and speak with a degree of confidence which will enable me to bring out to the public ear any thoughts and feelings with clearness, force and elegance. To try small cases in an inferior court, where I am not so closely watched by those whom I respect or in whose presence I am awestricken and dumb, is an advantage which I shall have at Hill's and one which I can not hope to secure elsewhere.

Well, to proceed. When I returned to the office, I determined, of course, to have a pretty plain talk with J.K.H. I made an engagement with him, and after the rest had left the office, we shut the inside door and the ball was soon set in motion. I laid before him the proposition as it had been made to me—told him how desirous I was of getting a settled position in life—one to which I could set myself as to a life work and throw all my enthusiasm and energy. That this was impossible as a clerk; that, whatever satisfaction I might give him in the latter capacity, he could easily see that it could be a thousandfold increased, if I felt that it was my own business which I was in part performing; that I was restless and impatient, and anxious to secure a permanent interest. Of course all this led to remarks from him of his perfect satisfaction with me, of the prodigious amount of work I was capable of perform-

ing, of the energy with which I dispatched business, etc.; that he was desirous of obtaining a partner, that I had been with him only six months, that he had given me a trial in reference to office practice and thoroughly satisfied and highly gratified, that of such business I had had great variety and in everything to which I had turned my attention I had shown great adeptness and had merited and won great success, that if I succeeded as well in court business as I had in other lines that he would not have the least hesitation in saying that I should also have the opportunity of becoming his partner. I of course spoke of my great diffidence and inexperience as an extemporaneous speaker and all that and asked him if this proposed partnership were to be dependent upon my success in winning cases. He said by no means—but he could very quickly see from the way I took hold of cases, whether I could eventually succeed etc.; that if I did one half as well in court practice as in office business, I need have no alarm. I asked him if he intended that I should be an open or a tacit partner and he said he should have no objection to my becoming an open one. I asked him if his brother Charley would be an obstacle in the way,—of course not in this blunt manner, and he replied in effect that this should be no obstacle. I asked him when would be the earliest time at which I could be taken in, and he said as early as May, probably. He would not say that it should not be in January but he did not wish me to press him too hard at that time. So far as clerkship was concerned, he was willing to pay any salary. He urged me in his quiet

way to cast in my lot with him and he would make it as much to my interest as Mr. Field possibly could.

Of course I was then in possession of the facts or at least, the offers on both sides, and I returned home with a heavy heart and in a most miserable state of mind.

Pecuniarily the offers I thought about even.

So far as honor and reputation were concerned, there was an overwhelming argument on Mr. Field's side.

But so far as personal development was concerned, I could not but think that the weight lay with staying with Hill.

So far as labor was concerned, it could not be greater anywhere than at Hill's.

So far as the intellectual improvement was concerned, there was, with Mr. Field, a greater chance of becoming a sound lawyer in certain branches of equity law, while at Mr. Hill's I must necessarily become acquainted with many branches—probably not as well with anyone, however, as at Mr. Field's.

So far as the treatment was concerned and the personal bearing of my superiors, it would be arrogance and overbearing at Field's while at Hill's there would be a greater equality.

At Hill's I should grow as fast as my nature was capable of developing, from the trying of small cases to the conduct of larger ones, while at Field's from the immensity of issues involved I should be always in the background.

At Mr. Field's I must in reality be for years an office lawyer and where was there ever to be an opportunity of becoming anything else.

While at Mr. Hill's, there would be an unlimited opportunity of going into court.

So far as I was socially concerned, there was no comparison.

I determined to talk with Professor Dwight upon the subject. I could not find him in his room but on Saturday morning I succeeded in meeting him before breakfast and walked with him to the Oriental Hotel where he takes his breakfast and there laid the matter before him. He agreed with me, tho' I did not tell him the inclination of my mind till after he had expressed himself, that my best policy was to go to Hill's.

Now in deciding I do not place any reliance on what Hill says about partnership. I have heard before that he had held out hopes to his clerks. I throw this proffered partnership with him entirely out of the question and I also do not believe that the offer from Dudley will ever come again.

But at any rate I determined to stay with Hill, whatever the consequences might be.

I felt a great degree of hesitancy and delicacy, I may truly say, in announcing my decision on Saturday, yesterday, but I screwed up resolution and Dudley not being in, informed Shearman of my conclusion. He was quite surprised at my decision, as I knew he would be and urged me to retract my conclusion, but I think not.

Just before I asked J.K.H. if he was willing to raise my salary, and he asked how much and expressed himself very happy in giving me hereafter what I suggested, $30 a week, a higher salary than any young man in the city gets, I know of a certainty. About four weeks

ago he raised my salary from $20 to $22.50 per week of his own accord, a remarkable exercise of generosity for one by reputation close and hardfisted. He also paid me for the time I spent in the country on vacation.

Perhaps I shall be sorry that I have rejected this great opportunity and one certainly unlooked for and so generally envied. I am sure it would be, if known.

By next May I shall certainly know what to make of Hill and should not be surprised if my arrangements with him would be dashed—though he has treated me with great liberality, I am sure.

December 6, 1868. For the last three days I have been again in a most unpleasant state of mind. Last Thursday I was sent for very suddenly by Mr. Shearman and went immediately around to see him. He seemed overwhelmed with business and said there was but one thing to do and that was, take me immediately into partnership, that they could not get along without me and they must have me, that although they had increased the number of their clerks, still they were unable to get along and they must have someone to relieve them from a share of the responsibility, which by a vast accumulation of business had well nigh overwhelmed them, that the new Erie suits, of libel against Tribune and Springfield Republican, against Vanderbilt, Schell and others they were instituting,—the actions in the U. S. and State Courts in favor of the Erie Directors,—the Newfoundland suits and others that were in the process of commencement, were killing them with labor, that the ordinary work of the office

was left at loose ends and that I must return by all means and further that I must decide right off. Shearman said that I would be the greatest fool in the world to reject the offer and that all considerations of policy and interest would and should lead me to accept the offer. I told him I must have time to consider the offer.

After nearly two months of negotiations and conflicting influences, Mr. Sterling found himself back in the office of Field & Shearman as junior partner. He thus records the events leading up to this result:

December 6, 1868. I thought it all over that day and found Professor Dwight in his room late that night and the result of that conference was to advise me to stay with Mr. Hill, though he seemed very guarded in his remarks, as he is wont to be on all occasions. He holds up the advantages and disadvantages on each side and then leaves one to decide for himself—not a very satisfactory method to the inquirer—especially to me.

On Friday evening, I called upon Mr. Hill with a pretty heavy heart and urged him to do something better for me than he had as yet and laid before him the new offer—telling him that I had not solicited this new offer, but that I had been beset with inducements ever since I had had the last conversation with him—that I much preferred his business—its variety and for the fact that there seemed to be a greater opportunity of development in his office than in Mr. Field's. He said he was very much surprised at what I said—but he supposed that we understood each other—I told him then that I

thought we did—and that I understood the pith of his last conversation to be, that he would do as well by me as Mr. Field could, that he would give me an interest as early as next May and possibly by January—though he did not wish me to urge him too much at that time—and he said that that was about what he had said—I told him how anxious I was to get along—to secure some permanent position where I could devote my energies and my life and secure at the same time a competency—that I was anxious to obtain a library, etc. He seemed to think that these were commendable in themselves and very laudable and said he could not blame me for my desire to succeed, that there were very few lawyers who would not in a moment take Mr. Field's offer—and that it was always possible for Mr. Field to hold superior inducements to his if he was determined to get me—that Mr. Field's business was larger and possibly the largest in New York—and that he did not wish to make offers and then have them overturned—I told him that it was not my object to oscillate between the two parties and play a double game, but I thought that at this time a crisis seemed to have arrived and it was for me at this moment to decide what was to be the course of my life—that I would like some little interest in the business so that I might feel that as my labors proved more valuable they could be appreciated—and proportionately rewarded. I asked him to consider the matter as soon as possible and give me his conclusion—that I wanted the matter decided as soon as possible for I was placed in a very unpleasant predicament and was

overwhelmed with a sense of the responsibility of deciding once for all.

The next day I talked to Charles Tracy—a lawyer who figured extensively in the Rock Island litigation and to whom Professor Dwight advised me to apply for advice—and he seemed to think that, after all the considerations had been urged by me on each side of the question, that although Mr. Field's offer was an exceedingly brilliant one, yet it was indispensable for a young man to have practice in the smaller courts and that my better course was to have connection with Mr. Hill. He thought himself that it was a great thing to be under the direction of Mr. Shearman, who was a great student and a rapidly rising man—and one of great integrity.

On Saturday, I went to see Mr. Shearman again and told him I wanted a more definite offer. He said my services were indispensable this week and I must give my answer Monday morning. I told him that this was impossible and I must have until Wednesday night—at least—that the matter was of great consequence to me —and that I must at least give Mr. Hill a fair and honorable notice. He then asked me if I could not give to him my evenings—at least all the time after 4:30 P.M.—and added that it would make a great difference in my compensation whether I could come at noon. His offer was, at last, although he said he could not make one unless I decided to come at once,—that if I came on Wednesday he would give 4 per cent of the profits of the firm, except participation in the Mariposa profits and some others, from which he was excepted by Mr. Field—and that this would include 4 per cent on the

$10,000 fees already promised during the next week from the Erie Co., that if I came afterwards—my percentage on this fee would be taken away.

Well here the matter stands—I cannot get my answer from Mr. Hill until Tuesday night—I am afraid —and I shall not therefore get my part of the next week's profits—but after all, I am inclined not to go in with Mr Field, though I think I should like very much to be associated with Mr. Shearman, for I think his influence is splendid—he is a man of firm christian principle and certainly a lawyer of as great promise as any I know of—but where is my opportunity of development? Small cases I can never handle—I could never get an opportunity of trying my own cases—I do so much feel the want of someone who will take me by the hand and lead me. The decision of Mr. Hill I somewhat fear. Although I do not know as I am authorized in saying that I have lost confidence in him, yet I do think that he ought now to promise me some and give me immediately some share in the business—I told him moreover that I did not want to be openly associated with him in practice just now, for it would seriously embarrass me—that all eyes would be directed toward me—and I should not do as well—but I did want, as I could not express, some steady foothold somewhere, some place where I was not subject to change—something more than a clerical situation. He said that he knew the position I occupied now in his office was one of great responsibility and one which few could occupy and fill as well—that he was more than satisfied with my progress and I was doing as well as any young man

could expect—that he was willing to relieve me of the routine work of the office as soon as possible and that he had already considered the advisability of getting a clerk to attend to nothing but the Registers—that it necessarily consumed a great deal of my time—I told him that I needed someone to direct my efforts—that I felt that I could be of a far greater service if someone would only guide me in my labors—and that I wished to obtain some greater insight into cases than a mere acquaintance with the Register—the same knowledge which a mere bookkeeper could obtain—that I wished to share the confidence of my employers and understand the relation of clients to the causes of action other than was presented by legal forms. I do not know what will come of all this—but I hope I may be advanced in some way or another—I have had a pretty forlorn three day's experience—my life has been perfectly miserable—and I trust that the gloom which has enveloped me in such a dense cloud will be dissipated quickly and forever. I admit that I do hate to give up the Field offer—for it is very dazzling but I know now of a certainty that it will never come again. So far as the 4 per cent is concerned, I feel sure that it would be made one or two more. I suppose the divisible profits between the three and those in which Shearman has participated must be at least $50,000 and that the interest would be worth to me at least $2,000 a year.

March 21, 1869. I will now endeavor to gather together the facts which it will be hereafter pleasant to remember in respect to my present location and pros-

pects and the steps which have made no impression on these pages since last December.

On the 6th of December last I made a long call on Eugene Pomeroy, who is a relative of Mr. Field's wife. The result of the interview was to confirm me in my previous opinion, that it was better not to accept Mr. Field's offer. We talked over the matter very freely indeed and discoursed upon the traits of the parties at Nos. 4 Pine Street and 44 Wall Street. It seems that Register Fitch endeavored to bring about a partnership between Mr. Hill and Judge Emmott but as Fitch was urgent upon being made one of the firm, the matter was given up. It also appeared that the Judge was not particularly pleased with Converse and Lyman, who perform his attorney business for the consideration of receiving the taxable costs.

I afterwards learned from Mr. Hill, that he had continual applications from parties desiring to form partnerships with him, but it was mostly from persons whose business was not of a greater extent than his own and whose share of the profits according to their ideas, would necessarily eat into what he manages to save from his present business. In other words, they wanted to draw from the proposed firm more than they put in. That as for himself his business was already too large and he felt that he could indefinitely increase it if he wished, the truth of which I entertain no doubt.

Well, after leaving Pomeroy, my mind was, as I have said, very firmly made up to stay and take my chances, although my good opinion of Mr. Hill was

considerably shaken by the facts which Pomeroy related, concerning Mr. Hill's sharp practice.

About this time I was so beset by Shearman that my mind was in a very uncomfortable state. As nearly as I can now remember dates, the facts occurred as follows:

At my last interview with Mr. Hill, I earnestly requested him to give me an answer by the following Monday morning. He said he would think the matter over and give me one by Wednesday night he thought. As the matter was very urgent with me and time was of great value at this juncture, I went to him on Tuesday night, the 8th of December, and found him very pleasant. He asked me how I would like an arrangement on the following basis, same salary as now,—to wit $1560 a year and 5 per cent on the new business with a guarantee that such per centage would amount to $500. He said it would undoubtedly amount to a larger sum—I of course told him I was pleased with such a proposition in its general features. He expressed a desire that I should attend exclusively to the new business, but it was very clear, I informed him, that such a plan would be impossible—for whatever was on the Diary for a particular day must be attended to in precedence of anything else.

I was perfectly frank to say to him that his business, its general character I refer to, pleased me far more than Mr. Field's, for the one was composed, in a great measure of small cases within my power to comprehend and manage—while the other was of the highest kind and required the efforts of the most experienced and acutest mind.

The next day (no, this very night) I talked the matter over again with Professor Dwight and we both were of the opinion that perhaps after all it was best to accept Mr. Field's offer. I have felt from the first a shudder at the thought of being associated with Mr. Hill—for he is a man so thoroughly made up of policy, that I could never be sure that he would abide by his agreement. I should have added, that he said, that all I needed was experience in trying cases. That he remembered the time when A. Vanderpoel was considered a very moderate lawyer and it was only his having been in court for so many years that he had acquired his facility of expression, acquaintance with the practice, and success in the trial of causes. That it was this experience he promised to give me.

To resume: I told Professor Dwight that Shearman promised to give me an opportunity to argue motions, etc. After this interview, I immediately started for Brooklyn and found Mr. Shearman at home and had a very pleasant talk with him, and persuaded him to consent to see Professor Dwight, as he had before offered to do. So the next evening he was obliged to go up to Mr. Field's and on his return he stopped at the Law School. His interview resulted in giving to the Professor a decided preference for Mr. Field's office—I saw Professor Dwight the next morning and I then positively decided to return to the old office in Pine Street. In the afternoon I gave my decision—It was then necessary to see Mr. Hill and see what was the shortest time in which I could leave him honorably—When I saw him that evening, he shut the door of the

inner office behind me and fairly entreated me to stay. He inquired whether I was not satisfied with his offer and asked me to speak frankly in relation thereto. I replied that this was a delicate matter, as I had no business of my own—to speak plainly in relation to his; that his offer was not pecuniarily as good as Mr. Field's —and that, although as I had told him before, I liked the character of his business better than Mr. Field's, still the financial prospects of the latter's offer were decidedly better than his. He then wished me to make him an offer—and said that he knew we could make satisfactory terms. I replied that it was too late for this, and I had asked him the day before whether the offer he then made was as large as he expected to make or could afford to make in any event and that he had told me it was—and that he had tried to make it very liberal —to the latter clause I now replied that it did indeed seem liberal and I was not disposed to complain of it— but that my new offer was more so—I thought. To make the narration of a very long interview very short, I may add that he made promises of almost every kind and endeavored by indirectly depreciating the value of the new partnership with Mr. Field, to cause me to repent my choice.

He was very desirous of knowing for how long a period the partnership was to last—and I told him, of course, it could be terminated at any time at the pleasure of the parties.

He said several times, that he yet expected to see me back in his office.

Mr. Shearman wrote him the next day whether it

would not be possible to spare me on Monday morning next—to which he replied that it would seriously interfere with his business and asked that he might retain me until the 19th instant, Saturday night.

During the next week I worked several nights at Mr. Shearman's house.

On the 21st December, 1868, I returned to the old office. Mr. Ensign, a relative of Mr. Field's from Massachusetts, was managing clerk, and Mr. Heisch, Mr. Proctor and Mr. Shafer ordinary clerks—Charley F. Bauerdorf the office boy—he seemed delighted at my return. From the time I entered the office I have not for a moment regretted my choice and am only too happy at the change that has been made. I am treated with the greatest respect and introduced by Mr. Field as his junior partner. My fears that after all I was to be managing clerk merely, though formally a partner, have subsided; and I really am very much rejoiced at the change I have made.

After some negotiating, Mr. Sterling's share of the net profits of the firm was fixed at 5 per cent, which he stated was very satisfactory, enabling him to look forward to a possible twenty-five hundred dollars a year.

Think the chances are that I shall get $2000 at any rate, but do not count in my own mind on getting over $2500.

In March (1869) this entry occurs in his journal:

As T.G.S. is absent, therefore, so much of the day, he has really little interest in the general business of the

office, and the whole responsibility of the office management must necessarily fall upon me. A great many nights I spend in Brooklyn with T.G.S. and a good many at Mr. Field's. I get down to the office at about quarter of nine every day and rarely leave before 6 P.M. Since January, I have been driven to death, although the fees which have come in have been comparatively small. My share for January I think was only about $97, and for February, $167, which is a rate that would not make my year's business up to $2500, by a good deal. I am not at all discouraged, however. If anyone is faithful, I feel that I am the man and hope to be rewarded in the long run.

In July, 1869, he writes:

My share of the profits for the last six months has been $2223.68, a pretty good sum for me to earn I think. Of course, the whole firm has earned about $44,473 net. This is much better than I expected to do.

Field & Shearman

THE firm of Field & Shearman, after Mr. Sterling's admission into it in December, 1868, consisted of David Dudley Field, his son, Dudley Field, Thomas G. Shearman, and Mr. Sterling.

David Dudley Field was a commanding personality at the American bar, physically and mentally. He was the eldest of four brothers, each of whom attained an international reputation in a different way. Their father was a graduate of Yale in the class of 1802 and a clergyman of note at Haddam, Connecticut, and afterward at Stockbridge, Massachusetts. One of the other brothers was the Rev. Henry M. Field, traveler, author, and proprietor of the *Evangelist*, the official publication of the Presbyterian church. Another was Stephen J. Field, at one time Chief Justice of the Supreme Court of California, to whom was due the federal statutes adopted in regard to mining laws and who, in 1863, was appointed by President Lincoln an Associate Justice of the Supreme Court of the United States, a position which he held with increasing distinction for a period of thirty-four years, the longest service of any justice of the Supreme Court since the establishment of that great tribunal. Some of his opin-

ions on constitutional questions are scarcely overshadowed even by those of Chief Justice Marshall; and while they did not have the simple lucidity of the opinions of the great Chief Justice, they had more force and pungency and greater reach of information and experience. The fourth of the distinguished brothers was Cyrus W. Field, the original projector of the elevated railroad system in New York City and the projector and promoter of the first submarine telegraph cable between the United States and Europe, the laying of which was finally completed, after several failures, by the Great Eastern, in 1866.

While Mr. Sterling was in the Law School, David Dudley Field was the colossus of the bar. In the midst of an absorbing practice, he found time to bring about reforms in the law which have been world-wide in their effect and possibly more far-reaching in their consequences than the labors of Jeremy Bentham in England, in the legal reforms that he advocated. As the result of Mr. Field's recognized qualifications for the position, he was appointed a commissioner on practice and pleading by the New York Legislature, in 1847, and prepared a Code of Civil Procedure, wiping out to a great extent the distinctions previously existing between legal and equitable remedies, and otherwise simplifying both pleading and practice. That code was a model of clear, compact, and concise statement, con-

sisting of only 473 brief sections and published in a little volume which included the State Constitution and the General Rules of Practice, a volume which could literally be slipped into the vest pocket. It continued in force until 1877, when years of legislative tinkering led to the enactment of a bulky compilation called a code, which in the course of time became buried in its own amendments and obscurities, resulting, a few years ago, in a revised code or Practice Act of doubtful improvement.

Mr. Field's original Code of Civil Procedure, which became a law in 1848, was adopted almost without change in many of the western and southern states and formed the basis of the reform procedure established in England by the Judicature Act of 1873. He followed up this earlier work, by preparing a Civil Code of the substantive law, which passed both Houses of the New York Legislature in 1879 and failed to become a law solely for lack of the signature of Governor Robinson.

In the winter of 1877–78, when Mr. Field was seventy-three years of age, a young lawyer who had recently been admitted to the bar was accustomed to walk downtown every pleasant morning from his lodgings in 14th Street; and he frequently saw Mr. Field and his son, who at that time resided in Gramercy Park, as they also walked down Broadway in the

morning to their office in Pine Street. They were both men of magnificent physique, more than six feet tall; and it was an interesting and impressive sight to see their towering forms in their stately progress down Broadway, with their heads up and their shoulders back.

Mr. Field's mantle fell upon Mr. Shearman in the preparations for carrying into effect the Civil Code of substantive law; and in 1879, and for several years afterward, when it was still hoped that the code would be adopted, the firm of Shearman & Sterling, composed of Mr. Shearman and Mr. Sterling, had clerks engaged in the law libraries in preparing notes for an annotated edition of the Code, citing the decisions which sustained the propositions of law laid down in the Code.

While the Civil Code has never been adopted in New York, various branches of the law which were included in that proposed code have been separately codified, such as the laws of negotiable instruments, warehouse receipts, etc.; and it is interesting to note that a large number of members of the American bar have recently formed an association for the purpose of extracting from the wilderness of decisions and statutes some systematic statement of the substantive law for the guidance of the layman, as well as the lawyer, the importance of which was so clearly recognized by

Mr. Field and Mr. Shearman, more than half a century ago.

On September 24, 1869, less than a year after Mr. Sterling's admission to the firm, occurred "the gold panic," resulting from the efforts of Jay Gould and "Jim" Fisk to corner gold. That famous "Black Friday" shook Wall Street to its foundations. Mr. Field had been counsel for Mr. Gould, and the firm of Field Mr. Shearman conducted the active part of the litigation that followed the institution of about a hundred different suits against Gould and Fisk. Mr. Field and Mr. Shearman conducted the active part of the litigation in the courts; but Mr. Sterling was absorbingly occupied in the preparation of papers and as a consultant and adviser in the policies to be pursued. He showed his remarkable ability so conspicuously, that almost immediately Mr. Gould placed more confidence in his practical judgment than he did in that of the senior counsel.

From that plunge into the sea of activity, Mr. Sterling seldom emerged in the fifty years that followed. He was at once brought into close contact with the leaders of the bar and with the prominent figures in the financial and industrial world of the period.

Small wonder that the journal was neglected and that, after a few entries, it disappeared.

May 29, 1870. I could fill my journal with much that has transpired since I last wrote, if I were only inclined to undergo the labor of writing in this *dead book*. I don't know why it is that I write in this, even at such long intervals. It don't give me any satisfaction while I write and I never look back to see what has been written. Nor do I relish the idea of scribbling for the benefit of those who will seize upon this fragmentary history of my life after I am gone. It is, after all, the dislike of giving up what I have so long been in the habit of doing, more or less (the latter principally for the past few years). I will now give a few more landmarks and dismiss the matter for some time to come.

I am now living at 316 West 22nd Street, just beyond 8th Avenue, with Mr. Charles Bard, occupy the third story back room. Shearman has nearly whole of second floor. This is the nicest boarding place I was ever in, hardly seems like boarding. Breakfast 6:45, dinner left for me till I get home, however late it may be.

I have now full set of N.Y. State Reports: bought the balance, about $600 worth, at wholesale about two weeks ago, four large cases full.

October 2, 1870. J. O. Bloss is coming to this house to board tomorrow night. He will room with Charlie Bard, upstairs.

October 25, 1870. Mr. and Mrs. T.G.S. are both crazy to go to housekeeping. I have said all I could against it and am now trying to induce Mr. Bard to take a house farther east and keep us all as boarders. Mr. Bloss and I have made up our minds not to travel so

far west after May, for we both desire more facilities in reference to society, evenings. I am so impatient about Mr. S.'s idea of housekeeping in Brooklyn that I can hardly talk about it. The result will be if he goes there, that he will bury himself there forever. It will be serious so far as his influence extends, to our business, as he cannot be reached evenings. Our business is such that it requires the most immediate and sudden attention and if those who are capable of conducting especial business required cannot readily be found, the clients will go elsewhere. I do not think they are as strongly bent upon this insane project as they were, but how the matter will eventuate, I can't tell.

May 4, 1873. Bloss and I are busy house hunting and have arranged to go to 21 West 31st Street. Shearman has hired a house in Brooklyn Heights (176 Columbia).

During May, 1873, friction arose among the members of the firm as the result of David Dudley Field's absence in Europe and Mr. Shearman's expressed desire to go abroad for two years. Dudley Field refused to continue the partnership with Mr. Shearman, while holding out inducements to Mr. Sterling to remain with the old firm.

After much discussion, it was finally arranged that Mr. Shearman and Mr. Sterling should sever their connection with the old firm and form a new firm under the name of Shearman & Sterling, with equal participation in the profits of the business.

Mr. Sterling thus records the event, May 30, 1873:

The most important change in my business life that has occurred since 1869, has lately happened, *the dissolution of our firm.* It was finally arranged that it should be dissolved on the 31st of August but nothing should be said about it until that time. I have been all along of the opinion and now am that it is better for me to join hands with T.G.S. and work up a business for ourselves. T.G.S. was very anxious to know what I would do, and when I at last intimated to him my willingness to avail myself of his offer to become equal partners, he was very much relieved and promised to give up the idea of his two years pilgrimage in a foreign land.

Shearman & Sterling

THE new firm started out in a very simple and meagerly equipped office at 20 Nassau Street.

Two men in the same profession and in partnership could not have been more unlike. Mr. Shearman was an aggressive student of books, with a phenomenal memory, the keenest of analytical minds, and a logical acumen that led him unerringly to conclusions which were the admiration and despair of those who came in contact with him. He was like Gladstone in his power to sustain an argument by the finest of distinctions. Mr. Sterling, on the other hand, rarely attempted to resolve a proposition into its elements by analysis and exact logic. He reached his conclusions with his comprehensive and vigorous practical common sense, with what was almost a woman's intuition, disregarding the steps required for an orderly sequence of thought, and often interposing a practical objection to the strictly logical conclusion that had been reached by Mr. Shearman.

Both men were below the medium height, Mr. Shearman being the shorter; both were light of weight, Mr. Shearman being the lighter, and Mr. Sterling probably never weighed as much as 150

pounds; and both were remarkably quick and active, Mr. Sterling more pronouncedly so on the physical side and Mr. Shearman on the mental side. It is doubtful whether his mental processes have ever been excelled in their lightning-like rapidity.

Mr. Shearman was born in Birmingham, England, in 1834, being ten years the senior of Mr. Sterling. He came to this country with his parents when only nine years old and, through business misfortunes of his father, was soon thrown on his own resources, obtaining various business positions as clerk and later as bookkeeper. He never went to college and he was not admitted to the bar until he was twenty-five years of age; but he became master of a style that in its purity, lucidity, exactness, and vitality is attained by few. In the days of his youthful struggles, he limited himself to three-cent lunches, later reducing the expenditure to two cents, in order to acquire a set of Macaulay whom he studied for his style, adding Bunyan and the Bible for simplicity and clearness, Carlyle for imaginative power and force of expression, and Tennyson for fancy and rhythm. He was like Macaulay in one respect, that he could exhaust the contents of a printed page almost at a glance and could extract the substance of a volume with the same devouring swiftness; and his phenomenal memory made his learning always in-

Thomas J. Shearman

1834 1900

stantly available. With his keen intellectual tastes he possessed a mathematical mind of amazing power and quickness, and he was a highly expert accountant long before the science of accounting had been developed in this country. He could glance at a long four- or five-column row of figures and announce their addition before an ordinary person had made any progress in the laborious task of obtaining the result of the first column. It was related of him by one of his early associates in the law that, on one occasion, when Mr. Shearman was traveling with his first partner, the late Amasa A. Redfield (author of a highly esteemed work on Surrogate's Practice), the two indulged in the pastime of seeing who could recall the greater number of decisions of the New York Court of Appeals, stating the facts involved in each case and the points of law decided. At that time, Mr. Shearman, who had but recently been admitted to the bar, outstripped his companion by recalling one hundred of the leading decisions of that Court, citing the volume, stating the facts, and giving the conclusions of the court, usually with a mention of the judge who wrote the opinion. Even in his later years, when the decisions of that Court had doubled and trebled, he had a tenacious memory for its leading opinions. But in spite of this phenomenal memory, he was not in any sense a mere

case lawyer, but always based his arguments on broad, general principles, referring to the decisions merely by way of confirmation of his argument.

To David Dudley Field, struggling with a great law practice and laboring to complete his codes, the finding of such a person as Mr. Shearman as an assistant was a piece of rare good fortune; and much of the work which Mr. Field initiated and supervised was actually done by his young assistant. One of the requirements of the legislature, in connection with the adoption of the Code of Procedure in 1848, was a Book of Forms. This work was prepared entirely by Mr. Shearman and was submitted to Mr. Field for his criticism and suggestions. It shows the author at his best, in its transparent clearness, conciseness, exactness and simplicity.

Shortly after his admission to the bar, Mr. Shearman collaborated with John L. Tillinghast in a work on Pleading and Practice, in two volumes. The entire second volume, dealing with pleadings and the general rules of practice, was written by Mr. Shearman exclusively; and his preface to that volume, dated November 1, 1864, is an admirably finished bit of writing, showing the wide field covered by the author in endeavoring to reduce the conflicting decisions that followed the adoption of the Code of Procedure in 1848, and the reluctance of the bar to fuse the two

systems of law and equity. This labor of research and composition took place before Mr. Shearman had attained his thirtieth year; and the preface, together with the chapters that follow, show a knowledge of the subject and a breadth in its treatment that is altogether exceptional in the case of a young man who had been admitted to the bar only two or three years previously. The work has long been out of print, but nothing comparable to it on its subject has ever appeared.

While still in partnership with Amasa A. Redfield, Mr. Shearman collaborated with him in a treatise on the law of negligence (*Shearman and Redfield on Negligence*), the text of which was almost entirely written by Mr. Shearman. It was originally published in 1868 and was the pioneer work on the subject, quickly attaining a high position with the bench and bar, which it continued to hold during Mr. Shearman's lifetime. It was marked by independence of treatment and courageous criticism of such of the decisions, even of the highest courts, as the authors regarded as unsound, many of which they lived to see modified in accordance with the views expressed by them. The work passed through edition after edition, so long as its authors were able to revise it, and was probably more frequently cited by the courts than any other legal treatise that had been published. In the last edition, to which Mr. Shearman contributed a most

interesting introduction which should be read merely for its literary excellence, he advocated changes in the law, especially in that branch having to do with the relations between employers and employees, which have since found their way into the statute books of practically every state in the Union.

Mr. Shearman had an open and progressive mind; and as early as 1879, he had one of the first typewriters in his office, a machine employing only capital letters, amusing those who saw it and often exciting the derision of the more knowing, who referred slightingly to Mr. Shearman's eccentricities and who religiously abstained from anything so foolish in a law office as a typewriting machine. In those days, the old fashioned scribes were in great force.

Mr. Shearman was a pillar of Plymouth Church, Brooklyn, for many years, and was superintendent of its Sunday school. Later in life, he became deeply interested in economical and industrial problems, and particularly in reforms in taxation; and he was a friend of such widely dissimilar persons as David A. Wells and Henry George, whose *Progress and Poverty* made a profound impression upon him. He published numerous addresses and studies on the subject, among the best known of which is *Natural Taxation*. In all of these, there is the same clarity of style, accuracy of expression and cogency of argument.

Mr. Shearman died suddenly, after an operation, upon his return from Europe in the autumn of 1900. For several years prior to his death, he had gradually reduced his activities as a legal practitioner; but he was always available for counsel and advice. Much of Mr. Sterling's success was undoubtedly due, especially in his earlier years at the bar, to the association with this richly equipped legal mind, which was always at hand to guide him unerringly through the maze of doubtful questions that were constantly arising in the rapidly expanding business of the firm.

John A. Garver, Yale 1875, entered the office of Shearman & Sterling in July, 1879, and in July, 1884, he became a member of the firm, which then continued without change in membership until the death of Mr. Shearman in 1900. Mr. Garver took an active part in the litigated work of the firm, in association with Mr. Shearman, as Mr. Sterling never went into court, although his advice as to the procedure and tactics to be employed was constantly sought; and he kept himself intimately informed on every phase of the numerous important litigations in which the firm was engaged. As the result of the close association that existed between Mr. Sterling and Mr. Garver, especially after Mr. Shearman's death, it was the earnest desire of Mr. Sterling that the great business of this firm, with its international reputation, should be continued by

Mr. Garver under the same firm name; and Mr. Sterling accordingly provided for this possibility in his will, bequeathing all his interest in the good will, library, and office fittings to Mr. Garver.

Mr. Sterling was fortunate at an early date (1884) in securing the services of Mr. George H. Church as an assistant on the practical business side of his firm's activities. Mr. Church was a skilled accountant who had been engaged for a number of years in the brokerage and investment business in Wall Street and was especially conversant with the rules and practices of the New York Stock Exchange. He relieved Mr. Sterling of much of the detail of managing the numerous trusts of which he had charge and aided him in his investments, and he has been the active executor and trustee of Mr. Sterling's estate.

Mr. Sterling was also greatly assisted by his secretary, Miss Helen C. Adams, who relieved him of much detail, not merely in connection with the office and his own personal affairs, but also in the management of the Osborn Memorial Home, to which reference will be made later. His appreciation of Miss Adams' services is evident in the bequest which he made in her favor. The Trustees of the Home have recently appointed Miss Adams executive superintendent of the Home, a position for which she is eminently qualified by training and ability and sympathy

with the objects of the Home and the sincere desire to see them carried to full fruition. In this position she relieves Mr. Church who, since Mr. Sterling's death, not only has had general charge of the properties and revenues of the Home, but also has had general supervision of its management.

Mr. Sterling was never married; but soon after his admission to the bar, he formed the acquaintance of a young cotton broker about his own age, Mr. James O. Bloss, who was at that time employed by the firm of Woodward & Stillman, of which James Stillman, the eminent financier and Mr. Sterling's lifelong friend, was a member. It was Mr. Bloss who brought these two men together. Mr. Bloss later served several terms as president of the New York Cotton Exchange. Like Mr. Sterling, he never married; and the two lived together for the remainder of their days, with widely different tastes and yet with an understanding that held them together for nearly fifty years. Mr. Bloss personally kept Mr. Sterling's private books of account and was appointed one of his executors; but he died less than six months after Mr. Sterling. He was given the use, during his life, of Mr. Sterling's residence at 912 Fifth Avenue; but he did not care to remain long in the house and lived for the remaining few months of his life at the Metropolitan Club.

For the first eleven years of its existence, the firm

was composed of only Mr. Shearman and Mr. Sterling, occupying a very plain and modest office of four small rooms at 20 Nassau Street, furnished in what was then the traditional style of the oldest offices and much like the barnlike offices of London solicitors of those days, described so frequently by the Victorian novelists: plain desks, armless wooden chairs, bare floors, some filing cases, etc.

In May, 1881, the firm moved into the Liverpool and London and Globe Insurance Building (a modern eight-story steel-frame structure which had just been completed but which has recently been taken down to make room for something still more modern), at Pine and William Streets, where they remained for fourteen years, when they moved into the new building of the Bank of America, at the corner of Wall and William Streets, immediately adjoining the Liverpool and London and Globe Building on the south. (This has also recently been replaced by another building). There they remained for another fourteen years, and then moved, in April, 1909, with The National City Bank of New York, into their present quarters in the National City Bank Building, at 55 Wall Street.

The quarters of the firm in the Insurance Building were more spacious than those at 20 Nassau Street, and there was some slight improvement in the office

furnishings; and a still further advance in this respect was made in the offices subsequently occupied.

James M. Beck, Solicitor-General of the United States (1921–25), became a member of the firm in 1903, and continued with the firm until 1917, when his deep interest in the Allied cause in the World War caused him to withdraw for a while from the exacting and continuous work of the large office. His *Evidence in the Case*, published in December, 1914, was a fearless and convincing exposure of German falsehood and sophistry and did much to check the widespread German propagandism in this country and elsewhere. Mr. Beck has an intimate knowledge of the history of the country and of the influential factors in its political development; and he is especially familiar with the events and great personalities leading up to the adoption of the Federal Constitution. He is a profound student of that wonderful charter, having argued many important constitutional questions in the Supreme Court of the United States and having given an exposition of the Constitution before the English bar in the summer of 1923, which should be read by all lovers of American institutions. This has recently been expanded into an interesting and instructive volume, *The Constitution of the United States.*

Chauncey B. Garver, Yale 1908, Harvard Law

School 1911, became a member of the firm in 1917 and has been with it continuously, with the exception of the period during which this country took part in the World War.

In the present firm are to be found graduates of Yale, Harvard, Princeton, Middlebury, and other institutions, with a sprinkling of non-college men.

In addition to taking over the "Black Friday" cases, the new firm of Shearman & Sterling, almost at its outset, acted as the attorneys for Henry Ward Beecher, in the celebrated action brought against him by Theodore Tilton. For a year and a half, Mr. Shearman devoted himself unsparingly to the defense of the man of whose innocence he never entertained a shadow of doubt. With a small fragile frame and against the advice of his physician, he spent himself to the point of complete exhaustion in the protracted trial, in which he had associated with him some of the foremost members of the bar, including William M. Evarts and John K. Porter, the latter of whom distinguished himself subsequently by his extremely subtle and effective cross-examination of Guiteau, the assassin of President Garfield.

Later, the firm was active in many important litigations, representing the Amalgamated Copper Company and its affiliated companies in the prolonged warfare waged against them by F. Augustus Heinze in the

courts of Montana, New York, and elsewhere. It represented the estates of Miriam A. Osborn and Howell Osborn in the unsuccessful attempts made by relatives of Mrs. Osborn to invalidate the wills of herself and her son (the former including the bequest in favor of Yale with which the Osborn Laboratories were subsequently built). Mr. Sterling was named an executor of both estates, and, in the course of that protracted litigation, he brought in as associate counsel the then recognized leaders of the New York bar: James C. Carter, Joseph H. Choate, John E. Parsons, and Edward C. James. It was an occasion of unusual interest when a conference was held with those illustrious members of the bar, so diverse in their methods of approach; and always Mr. Sterling seemed to take the lead, suggesting the difficulties that he saw and the methods to be employed in overcoming them.

The firm has also represented the Consolidated Gas Company and its affiliated companies in the various suits brought, from time to time, by those companies to have legislative rates declared confiscatory and void; and in these suits which were carried to the Supreme Court of the United States, much of the law affecting the regulation of public utilities has been laid down by the Supreme Court.

Mr. Sterling was an executor and trustee of many large estates and was a director in many corporations,

including The National City Bank of New York, the Consolidated Gas Company of New York, The New York Edison Company, The New York Trust Company, the Great American Insurance Company, etc., etc.

The firm has been actively engaged in the reorganization and unification of railroad companies and systems, the consolidation of banks and other corporations, capital readjustments and fiscal details, the administration of estates, etc., etc.

As has been heretofore stated, it was the wish of Mr. Sterling that the firm name should be continued; and this has been done, with the result that the firm is now one of the oldest and largest law firms in the country in which the same name has been continuous. It has steadily grown in its business activities and personnel until today it has fourteen partners with a total of more than eighty persons employed in its extensive offices in the building of The National City Bank, which is one of its oldest clients and is the largest bank in the United States. This extensive aggregation and the quarters now occupied by the firm are in striking contrast to the four little rooms and their half dozen occupants in 1873.

The Would-Be Advocate Becomes a Great Counselor

MR. Sterling's early aspirations were to achieve success in the active work of the courts and to take his place among the recognized leaders of the bar. The possibility of succeeding merely as an office lawyer, acting in an advisory capacity, was, at that time, scarcely recognized. His journal shows that his conception of a lawyer's career was that of an advocate who might emulate the eloquence of the historic figures in the forensic arena.

But a certain innate shyness and distrust of himself before a critical audience brought him to a realization of his definite limitations as a public speaker; and after one or two feeble attempts at active court work, he thus records the totality of his brief experience in that direction:

> March 7, 1872. The great legal event since January has been my trial of the assault and battery case of Bishop v. Wright in the Marine Court, wherein I got a verdict for $500, all I asked for. Charley Spencer was opposed to me. The case had been once before tried by Mr. Louie and no verdict agreed upon. I have postponed this case from month to month for almost two years, fearing to try it against Charley Spencer, but at

> last I got my courage up to the sticking point. The last four minutes of my speech I had committed to memory. The only other case I ever tried was Jarvis v. Reis, where I appeared for the defendant and got a verdict against the plaintiff. This was when I was in Mr. Hill's office.

It was a fortunate day when these youthful hopes and aspirations were relinquished. From that time, he began to find himself in his true sphere, as a business as well as a legal adviser; and it was in this field that all shyness and diffidence disappeared and the qualities of a leader of men asserted themselves.

He was one of the first and perhaps the most conspicuous of the business lawyers who have become prominent during the past half century. Prior to that time, a lawyer largely depended for his reputation upon his success in court in the trial of cases or the argument of appeals. The questions which chiefly occupied the attentions of the bar at that time were, for the most part, those growing out of disputed titles to real estate, the liability of insurance companies and common carriers, the liability for negligence, the law of negotiable instruments, etc. Many of these questions have since been settled by legislative enactment, such as the uniform negotiable-instruments law, which has been adopted in practically every state of the Union.

But with the expansion and amalgamation of the

Sterling Memorial Library

railroads, the rapid development of the resources of the country, the marvelous commercial results flowing from the discovery of the innumerable applications of the electric current to industrial advancement, the consolidation of industrial and financial interests into greater units, the governmental regulation of railroads and other industries "affected with a public interest," the creation of federal and state commissions, and the multiplication of statutes affecting all kinds of business, it became impossible for the businessman with an ordinary education and experience to deal intelligently with the problems that were constantly arising. It was at this period and under such conditions that Mr. Sterling found scope for the exercise of his rare business sagacity, which had been trained and tempered by his legal studies and experience. This alone might not have been sufficient to enable him to accomplish what he did with so much zest and success during fifty years of unceasing activity. But with Mr. Shearman and others at hand whenever problems of unusual complexity arose, Mr. Sterling was always a dependable and sure reliance to his numerous clients; and as he was at his office early and late (usually from 8.30 A.M. to 6.30 P.M., except on Saturdays and, during the last few years, on Wednesdays also, with a light luncheon served in his private room), and as he also virtually maintained another office at his residence up-

town, his clients never had far to seek to find him. It was partly owing to his masterful and winning personality, and partly to his skilled ability, that the great "captains of industry and finance" literally sat at his feet and unhesitatingly followed his advice. Men of highest standing and reputation in the business and financial world became in his hands almost like children looking to their father for counsel; and with a touching confidence in his judgment went a complete reliance upon his integrity and executive ability. Any matter which he undertook to look after received as much careful attention in the case of a client who could not afford to pay anything as from the head of a great corporation.

Friends and Clients

WITH such exceptional qualifications for business and with associates upon whom he greatly relied, it is not remarkable that Mr. Sterling never again went into court. Publicity of all kinds he avoided, though he was in no sense a recluse but, on the contrary, a sociable companion, "a clubable man," rarely dining at home, but regularly dining at one of his clubs. He was a member of many clubs, including the American Yacht, Downtown, Green Meadow Country, Lawyers, Metropolitan, Tuxedo, Union, Union League, University, and Yale.

He usually dined at the Union League or the Metropolitan Club, meeting there a group of friends whose numbers gradually diminished. But the dinner concluded, he would shortly leave the company (unless detained upon a business conference) and go home to his study.

While he went out rarely into what is called "society" and preferred his home and regular hours to the things that attract the general, he was essentially a man of the world who had a genius for friendship and bound those whose friendship he prized with "hoops of steel." Notable among the long list of such friends and clients were men engaged in very different business ac-

tivities and with the most diverse views on the ordinary problems of life.

Among the earliest of these was Jonathan Thorne, Sr., a quaker and a prosperous leather merchant, old enough to be Mr. Sterling's father, who, by his last will and testament, appointed Mr. Sterling, soon after the latter's admission to the bar, one of his executors and trustees. Four sons of Mr. Thorne, differing in character and interests, reposed the same confidence in him, and passed this confidence on to the next generation.

The roll is too long to recall in detail; but some of the more conspicuous names will show its character. The name of Jay Gould has already been given. Another early name on the roll is that of Charles J. Osborn, a bold and popular operator in Wall Street, the head of the large stock brokerage firm of C. J. Osborn & Co., whose colorful career was abruptly ended by his death in 1885.

Thomas W. Pearsall, another prominent figure in Wall Street, a member of the Union Club, whose word and bond were always taken at par, was one of Mr. Sterling's most intimate friends and faithful clients. He had married a daughter of Paul Spofford, the senior partner in the great mercantile firm of Spofford & Tileston. Mr. Spofford died in 1869, leaving a large estate, out of which he created numerous trusts by his

last will. Mr. Pearsall was the active trustee of this will, and he relied solely upon Mr. Sterling's advice upon the many questions that arose in numerous court proceedings in the course of the forty years that followed before the estate was finally settled.

George S. Scott, President of the old Richmond & Danville Railroad Company, and at one time a partner of Mr. Pearsall, was another active magnate in the financial and business world who leaned heavily upon Mr. Sterling for advice.

William L. Scott (in no way related to George S. Scott), of Erie, Pennsylvania, a man of great wealth and many business connections, influential in national politics, a member of Congress and an intimate friend of President Cleveland, was frequently to be found in Mr. Sterling's office; and when he died, in 1891, Mr. Sterling was one of the executors and trustees named in his will.

John S. Kennedy, the founder and head of the great international banking firm of J. S. Kennedy & Co., at 63 William Street, prominent in the development of the railroads in the northwest, was a close personal friend and client of Mr. Sterling for many years, until a breach occurred between Lord Mount Stephen and Lord Strathcona on the one side, and Mr. Kennedy on the other, as the result of which Mr. Sterling found himself on the side of the former.

Lord Strathcona and Lord Mount Stephen had been engaged with Mr. Kennedy in railway operations in Minnesota and Manitoba. They had both come from Scotland to Montreal in their youth, the former then known as Donald Alexander Smith and the latter as George Stephen. The active life of each is a tale of successful achievement, culminating in the completion of the Canadian Pacific Railway, which linked the provinces of Canada from the Atlantic to the Pacific and thus made possible the great nation of today. For their accomplishment of this seemingly impossible undertaking, they were created peers of the realm by Queen Victoria, in 1886, the former taking the title of Strathcona and Mount Royal and the latter that of Mount Stephen.

Each in turn served for several years as president of the Bank of Montreal and also as president of the Canadian Pacific Railway Company. In 1888, they retired to England, leaving their American and Canadian interests largely in the hands of Mr. Sterling, with whom they kept up a constant correspondence, usually exchanging letters with him twice a week. Lord Strathcona died in 1914, and an interesting life of him by Beckles Willson was published in 1915. It is the record of a highly picturesque career, with outstanding qualities of character, accomplishment, philanthropic activities and public service. It will be

The Law School Buildings

remembered that as a contribution toward the prosecution of the Boer War, Lord Strathcona equipped and maintained, at his own expense, a regiment of mounted horse.

Lord Mount Stephen's life was less colorful: but in personality and character he was very similar to Lord Strathcona. Both were striking examples of that finest type of British character and ability, which goes along with simplicity, directness, genuineness, and ready interest, conspicuous in such men as Lord Bryce, Viscount Morley, Lord Grey, and many others.

Another British subject who became one of Mr. Sterling's intimate friends was Gaspard Farrar, the head of the well-known banking house of Baring Brothers, London. For many years, he crossed the ocean in June, for the purpose of visiting Mr. Sterling and going with him to the well-furnished fishing lodge at Grand Metis, in Canada, which Lord Mount Stephen insisted that Mr. Sterling should occupy every year for a month during the salmon season, with any friends whom he chose to invite. It was during these recurring periods that Mr. Sterling was in his happiest holiday mood.

Mr. William Rockefeller was another of Mr. Sterling's distinguished friends and clients, whom he met through his great friend, James Stillman, whose two daughters married two sons of Mr. Rockefeller.

Mr. Rockefeller and his brother John D. Rockefeller were among the pioneers and soon became the dominant force in the oil industry. For many years, Mr. Rockefeller was President of the Standard Oil Company of New York; and while always maintaining a close interest in the expanding business of the great oil company, he gradually extended his investments into railroad, banking, industrial, and utility fields, with a reasoned confidence in the growth and prosperity of the country. His mind was strikingly clear, and he had an exceptional power of reaching conclusions on the facts before him, without allowing his judgment to be influenced by personal feeling or prejudice. He was a keen judge of men; and there was a saying attributed to the Standard Oil officials, that their success in business was due in part to their ability to select competent assistants to do their work, and that a man whose time was valuable wasted it by doing something that he could have others do for him.

Mr. H. H. Rogers, another of the Standard Oil magnates, closely associated with Mr. Rockefeller and later President of the Amalgamated Copper Company, was another conspicuous figure in the financial world who was attracted by Mr. Sterling's ability and who came to rely upon his advice and assistance; and he appointed him an executor and trustee of his will. Mr. Rogers had embarked a large part of his vast for-

tune in the construction of the Virginian Railway, which was in progress when the disastrous panic of 1907 occurred. It was due in part to Mr. Sterling's helpfulness, continued after Mr. Rogers' death in 1909, that the situation was saved and that the business judgment of Mr. Rogers was confirmed, in the completion of one of the most advantageously located and profitable railroads in the country.

No two persons reacted on each other more closely than Mr. Sterling and James Stillman, in the forty odd years following their first meeting. Mr. Stillman was the eldest son of Charles Stillman, a prominent cotton merchant in New York City, with a residence in Brownsville, Texas, on the Rio Grande River, where he came into close contact with cotton production and where he accumulated large tracts of real estate, including the property which was occupied by the United States troops during the Mexican War and which was continued thereafter as a military reservation, known as Fort Brown.

As a boy of sixteen, Mr. Stillman entered the office of Smith, Woodward & Stillman, in New York City, in which his father was a partner; and he himself became a member of the firm shortly after he attained his majority in 1871. His mind, at that age, was singularly mature; and, upon his father's death in 1875, Mr. Stillman, at the age of twenty-five, as the head

of the family, assumed the responsibility of managing the large properties left to his charge by his father's will.

James O. Bloss, Mr. Sterling's chum for many years, as we have already seen, brought the two young men together soon after Mr. Charles Stillman's death; and henceforth Mr. Stillman relied upon Mr. Sterling's advice with implicit confidence and soon became one of the outstanding leaders in the banking and financial world of his day, ranking in popular estimation with such men as J. P. Morgan, Jacob H. Schiff and others.

In 1891, at the age of forty-one, Mr. Stillman was elected President of The National City Bank of New York, which had a capital of $1,000,000 and deposits of $14,500,000. At that time, Mr. Sterling and his immediate associates had a large interest in the Third National Bank of New York, of which Mr. A. B. Hepburn was the president. The Bank sustained some severe losses; and, in 1897, Mr. Sterling persuaded Mr. Stillman to have the City Bank acquire the assets and business of the Third National. Its deposits, amounting to about $10,000,000 were thus added to those of the City Bank, which then amounted to about $26,000,000.

The effect of the amalgamation upon the City Bank was instantaneous. It had been a very conservative in-

stitution, founded in 1812, largely under the control of a few eminent citizens. During the year following its acquisition of the Third National Bank, its deposits had increased to $100,000,000; and by 1900 its capital stock was increased to $10,000,000, and two years later to $25,000,000. This great institution has never ceased to grow and expand, and today it has a capital of $110,000,000, with a surplus of like amount, and deposits in excess of a billion dollars—the largest bank in the United States and one of the largest in the world.

Mr. Sterling became a member of the Board of Directors of the Bank and a member of its Executive Committee soon after Mr. Stillman became its president; and he continued to hold those offices until his death.

Mr. Stillman had an instinct for banking and was a firm believer in its future growth. Shortly after the acquisition of the Third National Bank, in 1897, the *New York Evening Post* referred to the fact that he was a director of the Hanover National Bank and also controlled the policy of the Second National Bank; and it added that the deposits of the three institutions had reached the enormous total of $150,000,000, or one-fifth of the total net deposits of all the New York City banks.

While Mr. Stillman's chief activities were in the

field of banking, his interests were not confined to his banking investments. He was one of the organizers of the Amalgamated Copper Company in 1899, and was a director in many railroad companies.

In all these activities and many others, Mr. Stillman relied upon Mr. Sterling's advice; and scarcely a day went by that he did not appear at the office of Shearman & Sterling; and his visits were not confined to the daytime. His residence was at 9 East 72nd Street, just around the corner from Mr. Sterling's residence at 912 Fifth Avenue; and on many an evening he would drop around to talk over some matter that engaged his attention. He was a man of much reticence, and Mr. Sterling was probably the only person who had his complete confidence. Mr. Stillman was perhaps the only person who could keep Mr. Sterling up beyond his regular hour for retiring. Frequently, Mr. Sterling would remark that Mr. Stillman had been with him until after midnight, although he never made the statement in a tone of complaint.

In the last few years of his life, Mr. Stillman spent much of his time in Paris, where he had a handsome residence. During that period, scarcely a day passed without an exchange of cable messages with Mr. Sterling, always followed by confirmatory and explanatory letters.

During almost the entire period of Mr. Sterling's

Sterling Chemistry Laboratory

active practice of the law, this friendship continued. Mr. Stillman died in March, 1918, having appointed Mr. Sterling one of his executors and trustees; and Mr. Sterling survived him by only four months.

There were many others who placed great confidence in Mr. Sterling's ability and judgment. Among these was Matthew C. D. Borden, a classmate, and merchant of New York, owner of extensive cotton mills in Fall River, Massachusetts, and donor of the Borden Gymnasium at Phillips Academy, Andover. He appraised Mr. Sterling's exceptional qualities while they were still in college together, and named one of his sons after him and appointed him an executor and trustee of his estate.

James J. Hill, the well-known railroad builder of St. Paul and the northwest, was a frequent visitor at the office. Others who relied upon his judgment were John D. Ryan, who succeeded Mr. Rogers in the presidency of the Amalgamated (now Anaconda) Copper Company; Frank A. Vanderlip, who succeeded Mr. Stillman as president of The National City Bank of New York; Charles E. Mitchell, who succeeded to the presidency of the Bank in 1921; Cornelius N. Bliss, head of Bliss, Fabyan & Co., one of the leading dry goods commission houses; Calvin S. Brice and General Samuel Thomas, two conspicuous figures in the railroad world; Charles Bard, at one time the president of

the old Continental National Bank; John H. Reed, a member of the wholesale drygoods house of Bates, Reed & Cooley, and one of Mr. Sterling's earliest clients.

Mr. Sterling was a director in many corporations, including the Consolidated Gas Company of New York, The New York Edison Company, the Great American Insurance Company, and others, and was also a member of the executive committees of those companies. In the case of the Consolidated Gas Company, he early gained the entire confidence and esteem of Mr. Harrison E. Gawtry, the president, and later that of Mr. Gawtry's successor, Hon. George B. Cortelyou, the present incumbent and a former Secretary of the United States Treasury.

His Sudden Death

MR. STERLING died suddenly on July 5, 1918, at the age of seventy-four, while on his annual fishing outing at Grand Metis, Canada, where he had been for nearly a month. None of the party whom he had taken with him had an intimation that he was not in his usual health. That he had himself some cause for uneasiness about his condition is evident from the fact that during the previous week he had returned to New York, for a day, apparently on business, and upon his return was accompanied by his physician, who was with him at the time of his death.

During the evening of the previous day, "the Fourth" was celebrated before a blazing fire with unusual zest by this group of Americans in Canadian territory, all of whom, including Mr. Sterling, had been out on the water during the entire day and had stirring tales to relate of their successful adventures.

The following morning, Mr. Sterling was out in his boat at eight thirty, and returned to the lodge at noon, much elated over the capture of an especially fine salmon that he brought in with him. After his noon meal, he complained of feeling chilled and was persuaded to go to bed, where he slept fitfully until about five

o'clock, when he complained to his physician of severe pains in his back. An hour later, while sitting up and conversing, he suddenly fell forward lifeless. At the time, all the other members of the party were out on the river fishing.

Mr. Sterling never had any serious illness, though at various times in his later years he had occasional attacks of gout which confined him to his house for a few days at a time. These attacks did not prevent his attending to business through the aid of his secretary and the telephone; and he bore the affliction with uncomplaining fortitude. But he would have been impatient of any prolonged invalidism; and the manner of his going was peculiarly fitting, though it was difficult for his associates to realize that even death could get the better of that persistent and wondrous vitality.

IT was perhaps his shrinking from publicity and a distrust of his powers as a speaker that explain the striking fact that, after the first few years following his graduation, Mr. Sterling never attended a class reunion and never went to New Haven on any formal occasion. Even when President Dwight informed him, in 1893, that the degree of LL.D. would be conferred upon him at the Commencement exercises and that he would be expected to be present on the occasion to receive the degree and make a few remarks, he emphatically declined the honor unless it could be conferred in his absence; and so it was.

But in business conferences and negotiations or in determining upon the strategy in a litigation, the bold, fearless, aggressive character and nature asserted itself, and he was unhesitating and outspoken in expressing his views; and he dominated any gathering in which they were expressed.

His abandonment of court work was, therefore, not entirely due to the fact that he was distrustful of his forensic powers. He was not unconscious of his remarkable abilities and his exceptional diplomatic powers; but he was well aware that he could accom-

plish more by the active exercise of those powers than by any success that he might have in the courts. He settled many more cases of importance out of court than his partners did with the aid of the courts; and he was at his best in conciliating hostile elements and bringing about, through negotiation, results which were more advantageous to all concerned than could have been obtained by any of them through litigation; and he was relied on implicitly by his clients to keep them out of the courts wherever that was reasonably possible.

On one occasion when he was in Montreal, in connection with an important business transaction in which the Canadian Pacific Railway Company, the Bank of Montreal and the Imperial Government were concerned, he made such an impression upon the government officials that regret was expressed by them that he was not a Canadian, so that he might have been made prime minister.

It was often said of him that he was a living dynamo, that he was "hung on springs," etc.; and he preserved his energy with but slight abatement to the day of his sudden death.

He was an incessant smoker during his middle life and used to say that he had to smoke in order to keep his abounding energies under proper control; but he always did have complete control of himself and al-

Sterling Hall of Medicine

lowed no habit or taste to impair his health or interfere with his work; and when his physician advised him that his smoking was affecting him injuriously, he immediately stopped smoking altogether. For the last few years of his life, he never touched tobacco and never uttered a word of regret over the deprivation.

It was one of his cardinal principles to do the best that could be done under the conditions existing and let the consequences take care of themselves. In leaving the office in the evening and walking up Wall Street to take the elevated railroad at Rector Street, he set a pace which the average pedestrian found it difficult to equal. On one occasion when he had left the office a little later than usual and had struck up a particularly quick gait, he arrived at the station just as the train was leaving. His companion twitted him with the remark that in spite of their exhausting efforts they had not caught the train, to which Mr. Sterling characteristically responded: "Well, we might have caught it."

Mr. Sterling's exceptional ability and powers were centered on his office, and his office was characteristic of the manner in which he concentrated his energies. The corner where he passed the greater part of his working hours was a small room with a large flat-topped office desk filling pretty nearly half the floor space, behind which, on a small armless revolving

chair, he was to be found. A large safe stood in front of him on the other side of the room, and a large table near his desk. There were shelves over the safe and on the wall above his own desk. These barely left room for an additional chair and stool. No client was ever admitted to that congested interior, and if he had been admitted, he would scarcely have known what to do with himself. The door by which the room was entered was always kept closed and locked and was opened only by Mr. Sterling himself when he entered with a key or, when he was in his room, by pressing a button on his desk, which released the spring holding the lock.

As a boy, he delighted in doing all sorts of carpentry jobs; and the taste for building and constructing ingenious devices never deserted him. On his desk, he had numerous buttons which he could press to summon his different assistants in the office. Adjoining the room which he thus occupied was a reception room connected with his own room by a private door, where he saw his clients and where, as he was wont to say, he could escape from them when the business in hand had been concluded.

This disposition to protect himself was shown also in his residence, where he devised special protection for his bedroom against possible burglars, which he could control through an electric button at the side of his bed.

In his automobile, which was especially constructed for him on an exceptionally large-size chassis, he had a series of electric buttons at hand by which he could control the chauffeur, one button indicating a direction to go slower, another faster, and others a turn to the right or left, or straight ahead, or stop, as the case might be.

For many years, he indulged in horseback riding, taking a turn around the park in the morning on one of the handsome thoroughbreds that he imported from England. Only a few choice spirits, appreciative of the opening freshness of the morning, ever encountered him at those times. During the last few years of his life, he largely gave up riding and obtained his recreation principally in the development of the extensive landholdings that he acquired in Westchester County and in Connecticut, usually spending his Wednesdays and Saturdays there.

He never engaged in sports of any kind other than boxing exercise and his salmon fishing in June, in Canada. He had no taste for cards or games of chance of any kind and never attempted the game of golf. Although fond of horses, he was absolutely indifferent to horse racing; and he found no pleasure in the opera or theater, especially as he grew older.

Mr. Sterling became one of Yale's wealthiest graduates. He took the keenest pleasure in amassing

his large fortune. The "joy of work" possessed him as well as the pleasure of gain. He once remarked that he desired to have so much money at his command that he could spend it like water if he cared to do so; but he never cared to do so.

He was like Carlyle in his fondness for capital letters, as well as capital; and in drafting legal documents, minutes of meetings, etc., he invariably commenced such words as "Capital Stock," "Bonds," "Mortgages," "Debentures," "Notes," etc., with a capital letter, although he could not satisfactorily state why he did not carry the principle to "wheat," "cotton," "oil," "manufactures," etc.

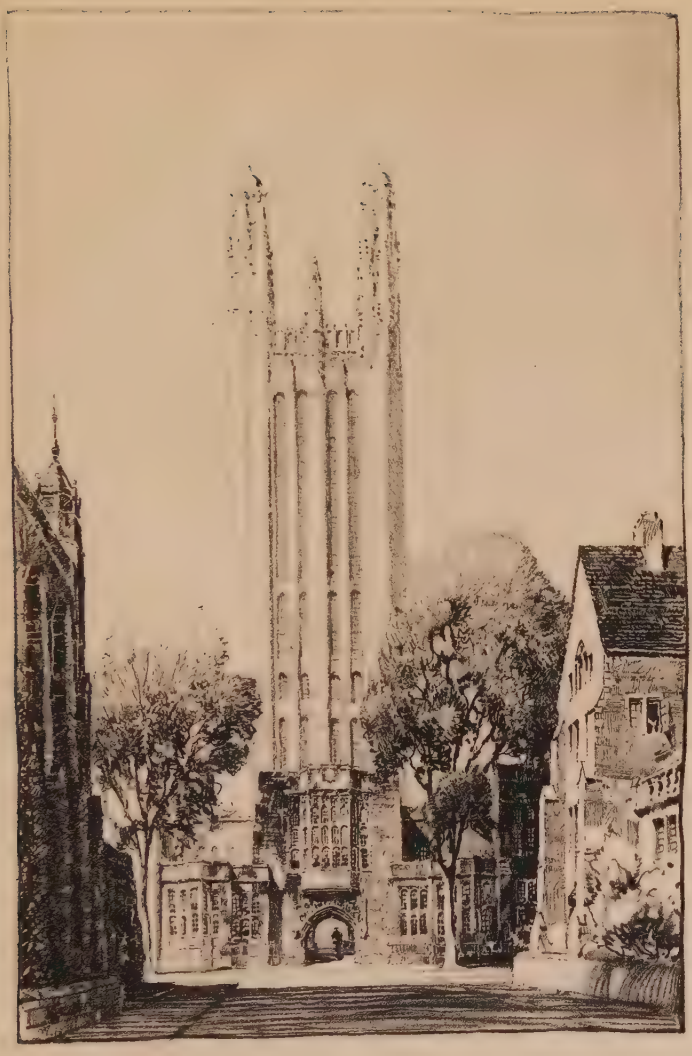
No part of his great fortune was the result of speculation. With the single exception noted in his journal, he never bought a share of stock or an obligation of any kind on a margin, and he never sold "short" a stock or bond that he did not own. All of his investments were paid for in cash. His intimate association with men of large affairs gave him an opportunity to make advantageous investments in attractive enterprises, chiefly railroads, that proved to be eminently successful. But the foundations of his fortune were the results of his professional labors and the substantial commissions that he received as the executor and trustee of many large estates. While he lived freely and generously, he was closely observant of the most trifling

expenditures; and the decisive question with him was not the amount, but the necessity or propriety of the expenditure. As he had no family and his tastes were simple, his personal expenditures were trifling compared with his rapidly mounting income.

Mr. Sterling had a high regard for Professor William G. Sumner, who was graduated at Yale in 1863, a year before Mr. Sterling's graduation; and he entertained Professor Sumner occasionally in New York. The vigorous common sense of that great instructor and clear thinker made a deep impression upon the minds of those who were fortunate enough to have him for their instructor. Many of the modern doctrines of social relief, progressivism, and uplift, which were just beginning to take form, were recognized by Professor Sumner as steps toward state socialism, which he viewed with suspicion and distrust and exposed with relentless force of logic. These socialistic doctrines were equally obnoxious to Mr. Sterling and account in some measure for his abstaining from any participation in public affairs or in movements for the supposed advancement of the race. While his partner, Mr. Shearman, was deeply interested in economic subjects, especially in taxation, and was a powerful advocate of free trade, exposing the absurdities in the ordinary forms of taxing personal property and expressing doubt as to the possibility of administering successfully

an income tax (although believing theoretically in such a tax), and made addresses on these subjects throughout the country and before committees in Washington, Mr. Sterling never even attended a public meeting on any subject. His life would be criticized by many as narrow and self-centered; but he was imbued with the old New England conviction that the welfare of society was best conserved through individual effort and depended primarily upon education, self-reliance, self-restraint and prudence. The homely precepts of Benjamin Franklin had an especial appeal for him, and the aid to society which he was most interested in was through the fructifying influences of education in its broadest applications. And always he had before him, in the long hours at his office and in the solitude of his handsome residence on Fifth Avenue, the goal toward which he was bending all his energies: the enrichment of his beloved Alma Mater and the widening of her beneficent influences. That goal was to him like the star in Shelley's *Adonais*, "beaconing from the abodes where the eternal are."

He always believed in employing the most skilled instruments available in the execution of his plans and undertakings; and he was convinced that the best service that he could render mankind was by giving his fortune into the hands of those who made education a life work.



Proposed Sterling Buildings
for the Graduate School

After all is said, this noble benefaction must be attributed largely to a deep sentiment which would never have been suspected by those coming into the ordinary business relations with him. The emotional side of his nature did not have the usual outlet through domestic and family ties. Possibly, as the result of some youthful romance, he remained throughout life indifferent to the charms of women and rarely allowed himself to be drawn into social functions of any kind. But underneath all his business activities, there was a strong current of devotion for the college of his youth and its delightful associations. His indebtedness to his Senior Society (Skull and Bones) is expressed in his will and he made a specific bequest ($10,000) to it; but, in later years, he never attended one of its formal meetings.

It may be that he exaggerated the benefits that he derived from his college career; but it is certain that no alumnus of a school of learning has ever given such signal expression of a debt which he felt that he owed to her.

That he was not opposed to the amelioration of human suffering and hardship may be seen by the interest which he took in the establishment and enlargement of the old ladies home at Harrison, Westchester County, New York, to which reference will presently be made.

Osborn Hall at Yale, situated at the corner of Chapel and College Streets, which has been the subject of so much adverse criticism, was largely due to Mr. Sterling's influence. He selected the site and employed the eminent architect, Bruce Price, who made the great mistake of not designing a building in keeping with the traditions of Yale and its academic atmosphere, while failing in its interior construction to meet the requirements for which it was designed.

Mr. Sterling was the executor of the estate of Charles J. Osborn, the prominent Wall Street broker, heretofore referred to. His widow desired to do something in his memory and adopted the suggestion of Mr. Sterling to erect a recitation building at Yale. She took an active interest in the progress of the work, making frequent visits to New Haven where she was cordially entertained by President Dwight; and when, a little later, she made her will, she bequeathed a portion of her residuary estate to the University, with the proceeds of which the Osborn Laboratories, on the corner of Prospect and Sachem Streets, were constructed under the direction of Mr. Sterling.

Through the influence of Mr. Sterling, Lord Strathcona bequeathed the sum of $500,000 to Yale, with the proceeds of which a chair for the study and investigation of the problems relating to transportation has been established and endowed; and it was undoubtedly

due to the same influence that the widow of Mr. Shearman bequeathed $25,000 to Yale.

Mrs. Osborn, during the lifetime of her husband, saw so many fortunes made and lost that she had a constant dread that the day might come when she would learn that her husband had lost everything in some daring speculation; and without his knowledge, she saved out of the generous allowance that he made to her enough to insure her a comfortable income in case the worst should happen. This dread of a possible reverse in her fortunes and the instances of sudden reversals she had seen, led her to leave a considerable portion of her property for founding a home for aged indigent gentlewomen. The duty of carrying her wishes into effect fell upon Mr. Sterling as her active executor. The result is the "Miriam A. Osborn Memorial Home," at Harrison, New York, not far from Mrs. Osborn's country residence on the Sound, at Mamaroneck. The handsome colonial brick building now forming the home was designed by Bruce Price and may be seen from the New Haven Railroad and from the Boston Post Road. It is situated on the hillside, a short distance to the east of the railroad and between the Harrison and Rye stations.

In the construction and development of this Home, Mr. Sterling took the keenest interest. By a codicil, written by herself, Mrs. Osborn had bequeathed

$100,000 to Mr. Sterling in appreciation of his many services to herself and members of her family, for which he had declined any compensation. This bequest he formally refused to accept as soon as he learned of it, and made an assignment of it to trustees for the ultimate benefit of the Home, accumulating the income so that, at the time of his death, the fund amounted to nearly half a million dollars, adding materially to the resources of the Home.

Each of his intimate friends, Lord Mount Stephen and Lord Strathcona, had at one time given Mr. Sterling $250,000, for personal services for which he had refused to accept any compensation. These sums Mr. Sterling invested very conservatively and directed that the securities should be applied to the construction of additional buildings to the Osborn Home, as memorials for members of the families of Lord Mount Stephen and Lord Strathcona, respectively.

In addition to all this, Mr. Sterling, by his will, gave to the Home lands and securities representing values realized of more than $1,500,000, for the purpose of constructing and equipping an additional building as a memorial to his mother.

Only one of these additional buildings has as yet been erected, owing to the adverse business conditions that have existed since Mr. Sterling's death; but the

Trustees of the Home have now appointed a building committee to proceed with the execution of Mr. Sterling's directions. Hon. George B. Cortelyou, a former Secretary of the Treasury of the United States, and now President of the Consolidated Gas Company of New York, Clarence H. Kelsey, Yale 1879 and a member of the Yale Corporation until recently, Percy A. Rockefeller, Yale 1900, and John A. Garver, are members of this committee.

Much of the time that he took from the office in his later years, Mr. Sterling devoted to the construction, development, and management of the Osborn Home, purchasing and donating to it additional lands during his lifetime and becoming so much interested in its possibilities that he bought and developed large tracts of land in the vicinity, repairing buildings, constructing drains and roads, filling in and leveling, and preparing for the ultimate development of the property as a rural suburb of New York. He expended a fortune in this development and supervised it largely himself. All of this land he also left to be sold and the proceeds applied to the Home.

In these ways, Mr. Sterling became so much interested in acquiring and improving undeveloped lands that he made additional purchases in Westchester County, running over into Connecticut, which he

proceeded to develop in similar manner. These lands are now the property of Yale, having been devised to the University by him.

Other provisions made in Mr. Sterling's will for the benefit of the public include the endowment of a bed in the Presbyterian Hospital in New York, the construction and endowment of a handsome community building in Stratford, Connecticut, and a legacy of $10,000 to the Bridgeport Hospital. He also made generous provision for his immediate relatives, although they were not dependent upon him, and for many of his servants and employees in his office.

What the total of Mr. Sterling's benefactions to Yale will amount to is still in doubt. It will be larger than was at first supposed ($20,000,000) and may exceed $35,000,000, as the result of accruing income and of an increase in the value of the securities held by the trustees. Already (October, 1929) eighteen Sterling professorships have been endowed, at a total expenditure of $4,435,540.85 and, in addition, there has been set aside for the Sterling Scholarship Fund $1,025,218.91, and for the Fellowship Fund $1,000,000. The value to Yale of these professorships, scholarships, and fellowships it would be difficult to overestimate, as they have enabled the University to hold, as well as to obtain, men especially

Sterling Dormitories
to occupy north side of
Elm Street between High and York Streets

qualified, who would otherwise have gone to other institutions.

Two notable buildings have thus far been erected with the Sterling Fund. The first to be completed was the Sterling Chemistry Laboratory on Prospect Street, at a total cost, including the maintenance fund, of $2,818,753.49, probably the most extensive and best equipped chemical laboratory in the world, and architecturally beautiful, through the skill of William Adams Delano, Yale 1895.

The second building, known as the Sterling Hall of Medicine, was dedicated on February 23, 1925. It is situated at Broad and Cedar Streets, near the New Haven Hospital and directly opposite the handsome infirmary building given to the University by Nicholas F. Brady, Yale 1899, and his brother, James C. Brady, Yale 1904. The cost of this second building, including the maintenance fund, has been $1,882,461.37.

The total amount thus far received by the University is $11,161,974.62.

The crowning edifice in the Sterling group of buildings and the outstanding monument to this munificent benefactor will be the new Sterling Memorial Library, on the west side of High Street, between Elm and Wall Streets, to constitute the central feature of an interesting grouping of the buildings which will make new

history in academical construction. If the hopes of those interested in this great library building are realized, the Sterling Library should be one of the finest buildings of its kind ever constructed and a monument to its benefactor that will endure so long as learning is respected and cultivated. James Gamble Rogers, Yale 1889, who achieved such a signal success in the beautiful Harkness Quadrangle, is the architect of this building.

There will be additional funds left after setting aside funds for the construction and maintenance of the library building, for further buildings; and these will include a group of beautiful buildings for the Law School, the Graduate Department, and dormitories on Elm Street between High and York Streets. Fortunately for the University, it has been possible, under the provisions of Mr. Sterling's will, to set aside funds for the permanent maintenance and upkeep of these buildings, which it might have been impossible for the University to accept if this burden had been placed upon it, as a fund representing approximately one-third of the entire building costs is necessary for the proper maintenance of the buildings after they have been put in use.

The newspaper press throughout the country commented on the magnitude of the amount given to Yale by Mr. Sterling and to the fact that it exceeded any

single benefaction to a seat of learning that had ever been made. The gift practically doubled the resources of the University at the time, and was almost equal to the total endowments of some of the other large universities.

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Garver, John A. 1854-1936.
John William Sterling

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